

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BUNNY BOGERY,

Plaintiff, 17-CV-6996 (VEC)

-against-

THE UNITED STATES OF AMERICA,

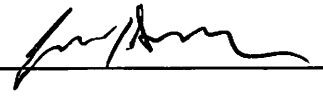
Defendants.
-----x

DECLARATION OF JEREMY SCHIOWITZ

I, Jeremy Schiowitz, pursuant to 28 U.S.C. Section 1746, declare under penalty of perjury as follows:

1. I am a member of the firm of Isaacson, Schiowitz & Korson, LLP, attorneys for the plaintiff in the above caption action.
2. Attached hereto and annexed as Exhibit A is a copy of the Deposition Transcript of Bunny Bogery, dated May 9, 2018.
3. Attached hereto and annexed as Exhibit B is a copy of the Deposition Transcript of Aly Basheradan, dated May 9, 2018.

Dated: Rockville Centre, New York
July 26, 2018



JEREMY SCHIOWITZ

“A”

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 BUNNY BOGERY,

6 Plaintiff,

17-CV-6996(VEC)

7
8 -against-

9 THE UNITED STATES OF AMERICA,

10 Defendants.
11 -----X

12 DEPOSITION OF BUNNY BOGERY, taken by
13 Defendants at the United States Attorney's Office, 86
14 Chambers Street, New York, New York, Wednesday, May 9,
15 2018, commencing at 11:28 a.m., before Monique
16 Cabrera, a Shorthand (Stenotype) Reporter and Notary
17 Public within and for the State of New York.
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A P P E A R A N C E S:

U.S. DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY'S OFFICE
Attorneys for Defendant
86 Chambers Street
New York, New York 10007

BY: CHARLES JACOB, AUSA

ISAACSON, SCHIOWITZ & KORSON, LLP
Attorneys for Plaintiff
371 Merrick Road - Suite 302
Rockville Centre, New York 11570

BY: JEREMY SCHIOWITZ, ESQ.

1
2 IT IS HEREBY STIPULATED AND
3 AGREED that the filing and sealing of the
4 within deposition be, and the same are
5 hereby waived;

6 IT IS FURTHER STIPULATED AND
7 AGREED that all objections, except
8 as to the form of the question, be
9 and the same are hereby reserved to
10 the time of the trial;

11 IT IS FURTHER STIPULATED AND
12 AGREED that the within deposition may be
13 sworn to before any Notary Public with the
14 same force and effect as if sworn to before
15 a Judge of this Court;

16 IT IS FURTHER STIPULATED that
17 the transcript is to be certified by
18 the reporter.
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1 B. Bogery

2 B U N N Y B O G E R Y, called as a witness, having
3 been first duly sworn by Monique Cabrera, a Notary
4 Public within and for the State of New York, was
5 examined and testified as follows:

6 COURT REPORTER: Can you state your
7 name and address for the record.

8 THE WITNESS: Bunny Bogery, 120 West
9 94th Street, Apartment 8-F, New York, New
10 York 10025.

11 EXAMINATION BY

12 MR. JACOB:

13 Q Good morning, Ms. Bogery.

14 A Good morning.

15 Q My name is Charles Jacob. I am an
16 Assistant United States Attorney with the United
17 States Attorney's office for the Southern District
18 of New York.

19 I represent the United States in this
20 lawsuit, so during today's deposition, I am going to
21 ask you a series of questions which you will answer
22 under oath.

23 Do you understand that you are under
24 oath and sworn to tell the truth?

25 A Yes, I do.

1 B. Bogery

2 Q Before we get into questions, I would
3 like to go over a few ground rules.

4 The Court Reporter is going to write
5 down what I ask and what you say, so I would just
6 request that you wait for me to finish my question
7 before answering.

8 Do you understand that?

9 A Yes.

10 Q Because we have a Court Reporter here
11 today recording the proceeding, I would ask that you
12 answer verbally to each question, so even if you are
13 nodding I would ask that you also say "Yes," for
14 example, do you understand?

15 A Yes.

16 Q At any time if you do not understand
17 my questions it's very important that you ask me to
18 clarify it. Will you tell me if you don't
19 understand one of my questions?

20 A Yes.

21 Q If you don't tell me if you don't
22 understand, I am going to assume that you do, is
23 that all right?

24 A Okay.

25 Q If you ever want a break, please tell

1 B. Bogery

2 me and we can arrange for a break. And after the
3 deposition you will be provided with a copy of the
4 transcript. I will ask that you review the
5 transcript and make any changes and corrections and
6 return it to me within 30 days, is that all right?

7 A Okay, yes.

8 MR. SCHIOWITZ: Was he supposed to
9 sign something?

10 MR. JACOB: Off the record.

11 (Brief discussion held.)

12 MR. JACOB: Back on the record.

13 Q Did you take any drugs or medication
14 today?

15 A No, I did not.

16 Q Is there any reason why you may not
17 be able to understand my questions today and respond
18 truthfully?

19 A No.

20 Q Can you state your full name for the
21 record?

22 A Bunny Annette Bogery.

23 Q What is your date of birth?

24 A 4/3/71.

25 Q Did you do anything to prepare for

B. Bogery

today's deposition?

A No.

Q I am going to spend about 20 to 30 minutes on some background information. Then we are going to move on to some questions about the accident in this case. All right?

A Okay.

Q Have you ever been involved in a lawsuit before?

A Yes.

Q What lawsuit was that?

A Workers' Comp.

Q When was that about?

A I was injured on the job.

Q When was that injury?

A November 1st of 2011.

Q I am going to come back to some questions about that injury a little later.

Have you ever been involved in any other lawsuits?

A Yes.

Q What other lawsuits?

A A car accident.

Q What was that case about?

B. Bogery

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A I was hit from behind in the car.

Q Who did you sue? Were you the

plaintiff in this case?

A Yes.

Q Who did you bring an action against?

A The driver of the vehicle.

Q Was an action filed in court in that

case?

A Yes.

Q What court?

A Civil Court, I believe.

Q In New York?

A Yes.

Q How long how was that case resolved?

A It went to trial.

Q What was the result of that trial?

A There was no reward for damages.

Q So was there a jury in that case?

A Yes.

Q Did the jury find in the defendant's

favor?

A Yes.

Q Did you testify in this case?

A Yes, I did.

B. Bogery

Q Aside from your Workers' Compensation and your car accident case, have you ever been involved in any other lawsuits?

A No.

Q Have you ever been deposed before?

A Posed?

Q Deposed. Have you ever been part of a deposition?

A Yes.

Q What case was that in?

A The car accident.

Q Were you represented in that case?

A Yes.

Q Who represented you?

A Harmon, Linder and Rogowsky.

Q Do you know if that was a case filed in a court in Manhattan?

A Yes, I believe so.

Q Besides that case have you ever given testimony under oath in any proceeding before?

A No.

Q Did you ever have to get asked questions in connection with your Workers' Compensation case?

B. Bogery

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A Yes.

Q Who asked you those questions?

A The attorney.

Q Were those questions asked before
anyone else?

A No.

Q Was anyone else present?

A No.

Q Who decided your Workers'
Compensation case?

A The New York City Law Department.

Q Was there a judge of any kind in this
case?

A Yes, there is a judge.

Q Did you ever appear before that
judge?

A No, I am sorry, yes.

MR. SCHIOWITZ: Is it still
pending?

THE WITNESS: Yes, it's still
pending.

Q So you have appeared before that
judge?

A Yes, I have.

1 B. Bogery

2 Q You gave testimony?

3 A Yes.

4 Q Do you recall if that testimony was
5 under oath?

6 A Yes, it was.

7 Q How long have you lived at your
8 current address?

9 A Since September of 2017.

10 Q Where did you live before that?

11 A 1609 East 174th Street.

12 Q 1609 East --

13 A East 174th Street.

14 Q From what years to what year did you
15 live?

16 A 1998 to 2017.

17 Q What is your current address?

18 A 120 West 94th Street.

19 Q Do you live in an apartment?

20 A Apartment 8-F.

21 Q Do you need to walk up stairs to get
22 to your apartment?

23 A No.

24 Q Is there an elevator?

25 A Yes.

B. Bogery

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Q Does anyone live with you?

A Yes.

Q Who does?

A My daughter.

Q How old is she?

A 8 years old.

Q When you lived at 1609 East 174
Street, did you live in an apartment?

A Yes.

Q What was that apartment number?

A 14-F.

Q Was there an elevator in that
building?

A Yes.

Q Was anyone living with you in the
December of 2014?

A Yes.

Q Who was living with you then?

A My daughter.

Q How old was she at that time?

A She was 4.

Q Was it the same daughter that lives
with you now?

A Yes.

B. Bogery

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Q Are you married?

A No, I am not.

Q Besides your daughter, do you have
any children?

A Yes.

Q Who are those children?

A I have one son.

Q How old is he?

A He is 29.

Q What is your educational background?

A I finished high school. I have some
college credits.

Q Where did you go to high school?

A West Side High School.

Q Where is that located?

A It's in Manhattan on 106th Street.

Q Where did you get your college
credits?

A From ASA Institute.

Q Where is that located?

A That was in Brooklyn campus, also
Cornell University.

Q Where did you get your Cornell
credits?

B. Bogery

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A At the state building in Harlem,
125th Street.

Q Are you currently employed?

A Yes, I am still employed.

Q Who employed you?

A Department of Homeless Services.

Q How long have you been employed
there?

A Since January of 2004.

Q What is your responsibility at that
job?

MR. SCHIOWITZ: Currently?

Q What is your current responsibility
at that job?

A I am not currently at work. I am out
on a medical leave.

Q When did you begin your current
medical leave?

A In December of 2014.

Q Why did you take medical leave?

A I was involved in an accident, a slip
and fall accident.

Q Is that the accident at issue in this
lawsuit?

1 B. Bogery

2 A Yes.

3 Q Prior to taking your medical leave
4 what was your responsibility at the Department of
5 Homeless Services?

6 A Basically managing one staff and in
7 charge of procurement.

8 Q What do you mean by procurement?

9 A Ordering supplies for the entire
10 facility.

11 Q What facility was this?

12 A Homeless Shelter Life.

13 Q Where is that located?

14 A In Catherine Street in lower
15 Manhattan.

16 Q What supplies did you procure?

17 A Furniture for the families, pens and
18 paper, anything required of the facility.

19 Q During the time from when you started
20 at DHS through December of 2014, did your
21 responsibility change at all?

22 A Yes, before 2014 when I first started
23 I was clerical.

24 Q What does that mean?

25 A Typing, photocopying. It was just a

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B. Bogery

different title. I was in a different title when I first began.

Q When did you shift to procurement?

A Around -- I shift titles in around 2010.

Q What was your title in December of 2014?

A Administrative principal administrative associate.

Q What location in December of 2014 were you working at?

A Catherine Street.

Q Did you receive any training for that job?

A No.

Q Did you have a supervisor?

A Yes.

Q Who was that supervisor?

A Lysanne Anglade, L Y S A N N E, A N G L A D E.

Q What was her title?

A Deputy director.

Q Who gave you your assignments?

A Ms. Anglade.

1 B. Bogery

2 Q Did you ever report to anyone else
3 besides Ms. Anglade?

4 A No.

5 Q Did you ever receive performance
6 reviews at your job?

7 A Yes.

8 Q Who provided those performance
9 reviews?

10 A Ms. Anglade.

11 Q What hours did you work?

12 A From 9:00 a.m. until 5:00 p.m.

13 Q If you were absent from work, did you
14 have to tell anyone?

15 A Yes.

16 Q Who did you tell?

17 A I would call into the superintendent.

18 Q Did you receive a paycheck?

19 A Yes.

20 Q Who was the paycheck from?

21 A City of New York.

22 Q Did you submit time sheets to get
23 paid?

24 A Yes, in the computer.

25 Q Those went to whom?

1 B. Bogery

2 A City share time.

3 Q Did you receive benefits as a result
4 of that job?

5 A Health benefits.

6 Q Any other benefits?

7 A No.

8 Q Who had power to fire you?

9 A I guess, Ms. Anglade.

10 Q Since December of 2014, have you ever
11 gone to work at all?

12 A No, I have not.

13 Q Do you still receive a paycheck?

14 A No.

15 Q Do you receive -- well, I will come
16 back to that.

17 What was your title prior to December
18 of 2014 -- December of 2010 before you moved to
19 procurement?

20 A Clerical associate.

21 Q Who was your supervisor then?

22 A I have had several, but I worked for
23 Frank O'Kea and Ms. Sheers, Gloria Sheers.

24 Q Did in each case your supervisor
25 review your performance?

B. Bogery

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A Yes.

Q Before December 2014, what did you do on the typical weekday?

A To work from 9:00 to 5:00.

Q How would you get to work?

A On public transportation the train.

Q Where is Catherine Street located in the City?

A On Canal Street.

Q So it's downtown?

A Yes.

Q And you would take the subway from -- was your address at that time December of 2014 was it in the Bronx or in Manhattan?

A In Bronx.

Q Would you take the subway from the Bronx to the Canal Street area to go to work?

A Yes.

Q Besides going to work on weekdays, did you have any hobbies at the time?

A With my daughter. Whatever activities she would participate in.

Q What kind of activities?

A Daycare and after school.

B. Bogery

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Q Did you ever go out of your house and
do anything for fun?

A Yes, I would go out occasionally.

Q What kind of things would you do?

A I would go dancing, movies.

Q Did you ever do any physical
exercise?

A Yes, I have joined the gym before.

Q When was the last time you went to
the gym?

A It's been years, maybe 5 years.

Q In December of 2014 were you going to
the gym?

A No.

Q Before December of 2014, did you have
any medical problems?

A Yes.

Q What medical problems were those?

A Diabetes.

Q When did your diabetes start?

A In 2009.

Q How did it effect you?

A It was traumatic for me.

Q What do you mean by that?

1 B. Bogery

2 A To be diagnosed with diabetes. Having
3 to test my sugar was something all new to me.

4 Q What were your symptoms for the
5 diabetes?

6 MR. SCHIOWITZ: Are you talking about
7 when she first found out?

8 Q Yes, when you first found out, what
9 were your symptoms?

10 A Well, I just was generally getting
11 tested like my blood at my primary care doctor and
12 that's when I was told.

13 Q How did you find out? How did you
14 know you had diabetes?

15 A When I was pregnant they told me I
16 was pre-diabetic. And then after that I had my
17 daughter I was diagnosed with onset diabetes Type 2.

18 Q Did you ever feel sick as a result of
19 the diabetes?

20 A I would feel tired, but that's about
21 --

22 Q What treatment did you seek for the
23 diabetes?

24 A I was put on several medications,
25 pills like Metformin and Gyluburide.

1 B. Bogery

2 COURT REPORTER: Can you spell that?

3 THE WITNESS: G Y L U B U R I D E, I

4 believe.

5 Q Did the treatment help?

6 A Well, it helps control my sugar.

7 Q Are you still taking the same
8 medication?

9 A Yes, Gyluburide alone.

10 Q What medical providers did you see
11 for the diabetes?

12 A Doctor Karayil, K A R A Y I L.

13 Q Did you see any other doctor for your
14 diabetes?

15 A No.

16 Q In December of 2014 how was your
17 diabetes effecting you?

18 A Feeling sluggish and tired.

19 Q Before December of 2014, did you have
20 besides your diabetes did you have any other medical
21 problems?

22 A No.

23 Q Did you have any other medical
24 conditions before December of 2014?

25 A Yes.

1 B. Bogery

2 Q What conditions were those?

3 A I have herniated discs, bulging disc
4 pinched nerve in my back and neck. And I have torn
5 rotator cuff in my right shoulder.

6 Q Let's start with herniated disc when
7 did that problem start?

8 A In 2011.

9 Q What happened?

10 A I was involved in an accident, a trip
11 and fall at work. A little boy tripped me up and I
12 fell over him.

13 Q Can you describe how that accident
14 occurred?

15 A I was entering the building at work,
16 my workplace at the time. And a little boy was
17 running back and forth in front of me. And he just
18 ran out the last time after me avoiding him and
19 tripped me over.

20 Q How did you fall?

21 A I fell to the ground on my side, my
22 right side.

23 Q What specific injuries did you suffer
24 as a result of that fall?

25 A In the back and neck injuries and the

1 B. Bogery

2 torn rotator cuff in my right shoulder.

3 Q Did you seek medical attention for
4 those?

5 A Yes.

6 Q What treatment did you seek for those
7 injuries?

8 A I was seen by pain management doctor.
9 And he put me on painkillers and muscle relaxers and
10 I have had Cortisone injections.

11 Q Who is the pain management doctor?

12 A John Vlattas.

13 COURT REPORTER: Can you spell that?

14 THE WITNESS: V L A T T A S.

15 A And also physical therapy and the
16 chiropractor.

17 Q What physical therapy?

18 A At Dr. Vlattas' office.

19 Q What chiropractor office?

20 A It's like right next door to -- it's
21 on Pelham Parkway. Right next door to Dr. Vlattas
22 office. Hal Rosenfeld.

23 Q Besides Dr. Vlattas and Hal Rosenfeld
24 did you see any other doctors for your injuries
25 suffered as a result of your accident in 2011?

1 B. Bogery

2 A For MRIs.

3 Q How long did those problems -- I am
4 sorry, I will rephrase.

5 How long did your back, neck and torn
6 rotator cuff injuries last?

7 A They still exist.

8 Q How does your back injury still
9 effect you?

10 A It effects me tremendous because I am
11 still constantly in pain.

12 Q Can you describe that pain?

13 A Some days I can't get out of bed.
14 It's piercing pain in my lower back and my neck.

15 Q What about your torn rotator cuff?

16 A Sometimes I end up in emergency room
17 because of a frozen shoulder because it's
18 excruciating pain.

19 Q What do you mean by, "A frozen
20 shoulder?"

21 A That's what I was diagnosed the last
22 time I went to the emergency room. It's like I
23 couldn't move it at all.

24 Q Did ever have any surgeries performed
25 on your back, neck or torn rotator cuff?

1 B. Bogery

2 A No.

3 Q What kind of treatment have you
4 received besides physical therapy and pain
5 management for these injuries?

6 A The Cortisone shots. And that's it.

7 Q In your 2011 trip and fall, did you
8 suffer injuries to any other body parts besides your
9 back, neck or rotator cuff?

10 A No.

11 Q So now I am going to sum this all up
12 and see if there are anymore injuries before
13 December 2014, so besides your diabetes, your torn
14 rotator cuff, and your back, and your neck, did you
15 have any other medical conditions prior to December
16 2014?

17 A No.

18 Q Besides those things I just described
19 did you before December 2014 did you seek medical
20 treatment for anything else?

21 A No.

22 Q And you had no other medical problems
23 for anything else besides those things?

24 A No, I mean, depression.

25 Q Focusing in on your back.

1 B. Bogery

2 What was the status of your back
3 injury in December of 2014?

4 MR. SCHIOWITZ: You mean prior to
5 this accident?

6 Q Prior to the accident December in
7 2014, what was the status of your back?

8 A Pretty bad shape and pain.

9 Q Were you going to physical therapy at
10 the time?

11 A In 2014?

12 Q Yes.

13 A No, I had stopped.

14 Q Were you receiving any other
15 treatment at the time?

16 A No.

17 Q Why not?

18 A I just had to go to work with the
19 pain.

20 Q What exactly was your back injury
21 diagnosed as prior to December of 2014, do you know
22 the name of what they called it, the doctors?

23 A No, I am not clear.

24 Q Prior to the accident at issue in
25 this case, did you ever feel pain in your right leg?

B. Bogery

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A No.

Q Prior to the accident at issue, did
you ever feel that your right leg got weak?

A No.

MR. JACOB: Can you mark this as
Defendant's A.

(Defendant's Exhibit A was so
marked for identification.)

Q Do you know what this is?

A Yes.

Q What is it?

A It's a summary from the doctor.

Q Which doctor?

A I believe, it's Dr. Vlattas.

Q Have you ever seen office notes like
this by Dr. Vlattas?

A Yes.

Q Do you know who writes them?

A No, I don't.

Q If you go down do you see where it
says, "Visit date?"

A Yes.

Q It says, "September 18, 2013," were
you visiting Dr. Vlattas at that time?

1 B. Bogery

2 A Yes.

3 Q And patient name Bunny Bogery that
4 refers to -- I am sorry, that's your name, right?

5 A Yes.

6 Q If you go down in the note paragraph
7 it says, "She notes that the right leg gets weak and
8 gives out on her."

9 Do you know why Dr. Vlattas may have
10 had the impression that your right leg got weak and
11 gave out on you?

12 A Maybe from the diabetes.

13 Q Has your right leg ever felt weak
14 from the diabetes before?

15 A Tingling, but not weak.

16 Q What do you mean by "tingling?"

17 A Like a burning sensation.

18 Q Has a doctor ever told you that that
19 burning association in your right leg is associated
20 with your diabetes?

21 A Yes.

22 Q Thank you.

23 Prior to your December of 2014
24 accident you never -- have you ever had any other
25 injuries to your right knee?

B. Bogery

A No.

MR. JACOB: Can you mark this as
Defendant's Exhibit B.

(Defendant's Exhibit No. B was so
marked for identification.)

Q Do you recognize this document?

A No.

Q Do you the top where it says "Yasha
Magyar, 3227 East Tremont Avenue?"

A Yes.

Q Do you know who Yasha Magyar is?

A Yes.

COURT REPORTER: Can you spell that?

THE WITNESS: The first name is Y A
S H A. The last name is M A G Y A R?

A Yes.

Q Who is Yasha Magyar?

A He was one of the doctors that I saw
at the East Tremont location.

Q What do you see him about?

A I seen him about my right knee.

Q Was this before or after your
accident at issue in this case?

A After.

B. Bogery

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Q Did you ever see him before the
accident?

A No.

Q Did you see him about your right
knee?

A Yes.

Q Did you see him about the injuries
that you suffered in the accident in this case?

A Yes.

Q If you go to page 5 the last page, do
you see where it's signed by Barry M. Katzman?

A Yes.

Q Do you know who Barry M. Katzman is?

A Yes, I do.

Q Who is that?

A That's another doctor that I was seen
by.

Q After your accident?

A Yes.

MR. JACOB: Can we pause for a
second?

(Brief discussion held.)

Q If we go to page 4 towards the bottom
of the page there is a paragraph that begins

1 B. Bogery

2 "causality," do you see that paragraph?

3 A Yes.

4 Q It says, "The complaints are causally
5 related to the above accident of 12/214/2014
6 superimposed on previous right knee injury."

7 Does that refresh your memory as to
8 whether you had a prior right knee injury before the
9 accident in this case?

10 A No.

11 Q Are you aware that the government has
12 asked you certain questions in this case that the
13 defendant United States in the form of
14 interrogatories?

15 A I don't know what that means?

16 Q We will come back to that in a little
17 bit.

18 Now, I am going to spend some time
19 discussing the day of the accident in this case.

20 The accident that is the subject of
21 this lawsuit, when did that occur?

22 A On December 23, 2014.

23 Q What day of the week was that?

24 A I am not sure.

25 Q Do you know if it was a weekend or a

B. Bogery

weekday?

A Maybe a weekend.

Q Were you working at that time?

A Yes.

Q You were working at the same place
downtown Catherine Street?

A Yes.

Q For the Department of Homeless
Services?

A Yes.

Q How did you begin that morning?

A Waking up, fixing my daughter
breakfast.

Q What did you do next?

A I am not even sure if it was a week
-- I know I wasn't at work, but probably watching
TV.

Q Were there ever any weekdays that you
didn't go to work?

A Weekdays?

Q Yes.

A I have called out before.

Q What are the reasons?

A For my back.

1 B. Bogery

2 Q Any other reasons?

3 A Maybe my daughter was sick.

4 Q On the day of the accident after you
5 woke up and made breakfast, what did you do next?

6 A I don't recall.

7 Q Do you recall anything that you did
8 that morning?

9 A Not really.

10 Q Do you recall what the weather was
11 like that morning?

12 A Morning, no, I don't know.

13 Q Did you take any medication that
14 morning?

15 A I don't remember.

16 Q Were you on any medication at the
17 time?

18 A I believe so. Muscle relaxer.

19 Q Do you know what those muscle
20 relaxers were called?

21 A Naprosyn.

22 Q But you are not sure if you took that
23 that morning?

24 A Right.

25 Q Were you on any other medication at

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the time?

A My diabetic medication.

Q What medication was that?

A The Gyluburide.

Q Why did you go to the post office
that day?

A I had to pick up a package.

Q Who was the package from?

A It was for me.

Q Why was it sent to the post office?

A I guess they delivered it. And I
wasn't home, so they left a slip.

Q What did the slip say?

A That my package was at the post
office.

Q Did it say which specific post
office?

A Yes, Gleason Avenue.

Q Have you been to that post office
before?

A Yes.

Q How far was that post office from
your house?

A Maybe like 4 blocks.

B. Bogery

Q What time that day did you go to the post office?

A Around 4:15 in the afternoon.

Q Do you recall anything that you did that day before you went to the post office?

A No.

Q In December of 2014, how would you typically spend days that you were not working?

A At home caring for my daughter.

Q What do you mean by "hearing"?

A Caring for my daughter.

Q Caring. Okay.

How would you care for your daughter? She was 4 years old at the time?

A Yes.

Q How would you care for her at the time?

A Well, make sure she eat, bath her, take her out in my spare time if I am not at work.

Q Where would you take her out at that time?

A To the park.

Q Were there parks -- how close was the park that you would go to?

1 B. Bogery

2 A Maybe a block away.

3 Q Is there anything else that you would
4 typically do on days that you didn't work in
5 December of 20 -- in around December of 2014?

6 A Take her to eat, movies.

7 Q Would you drive to these things or
8 would you walk?

9 A I would drive.

10 Q Do you have a car accessible to you?

11 A Yes.

12 Q Where would you typically park that
13 car?

14 A On my block.

15 Q On the day of the accident, how did
16 you get to the post office?

17 A I drove.

18 Q You said it was approximately four
19 blocks away?

20 A Yes.

21 Q What is that route that you get from
22 your house to the post office?

23 A I just go up to like Fteley Avenue.

24 COURT REPORTER: Can you spell that?

25 THE WITNESS: F T E L E Y.

1 B. Bogery

2 A And go across like going north to
3 Gleason Avenue.

4 Q Then you would turn on Gleason
5 Avenue?

6 A Yes.

7 Q Then you arrive at the post office?
8 The post office is on Gleason Avenue?

9 A Yes.

10 Q How long do you think that drive took
11 on the day of the accident?

12 A Maybe about 8 to 10 minutes.

13 Q Do you recall the weather while you
14 were driving?

15 A Yes.

16 Q What was the weather?

17 A It had rained really hard previous to
18 me leaving out to go to the post office.

19 Q What was it raining on that day?

20 A It was raining most of the afternoon
21 I remember.

22 Q When you were driving to the post
23 office, was it raining?

24 A No, it had stopped.

25 Q Do you know when approximately the

1 B. Bogery

2 rain stopped that day?

3 A Maybe like half an hour to an hour
4 before.

5 MR. SCHIOWITZ: Before what?

6 THE WITNESS: Before I arrived at
7 the post office.

8 Q Do you know when the rain started
9 that day?

10 A No, I don't recall.

11 Q Do you recall if the rain was heavy?

12 A Yes, I remember it raining heavy.

13 Q Where did you park your car when you
14 arrived at the post office?

15 A In front of the post office.

16 MR. JACOB: Mark exhibit as
17 Defendant Exhibit C.

18 (Defendant's Exhibit C was so
19 marked for identification.)

20 Q This exhibit has a photograph on it,
21 what does this photograph show?

22 A It shows the post office.

23 Q What intersection of what streets is
24 shown in that photograph?

25 A I believe, it's Metcalf and Gleason.

1 B. Bogery

2 Q Can you tell from in this photograph
3 where you parked your car?

4 A Right in front of the entrance on
5 Gleason.

6 Q Is the location where you parked your
7 car depicted in this photograph?

8 A Yes.

9 Q Do you mind marking it with an X?

10 A Over where the white car is.

11 Q Do you mind putting your initials
12 next to that X please. Thank you.

13 A Okay.

14 Q So what did you do after you parked
15 your car?

16 A I went into the post office.

17 Q Can you see the door through which
18 you entered the post office?

19 MR. JACOB: Let the record reflect
20 she is pointing to the door depicted in
21 Defendant's Exhibit C.

22 Q Can you tell what street that door is
23 on?

24 A Gleason Avenue.

25 Q Does that door have a ramp in front

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of it?

A No.

Q You used that door to enter the post office?

A Yes.

Q Do you recall if the sidewalk outside was wet at the time when you entered the post office?

A No, it was not.

Q Was it raining at the exact time you entered the post office?

A No.

Q Do you know approximately what time you entered the post office?

A Around 4:15 in the afternoon.

Q The accident was in December, right?

A Yes.

Q Was there any snow on the ground at that time?

A No.

Q It didn't snow that day?

A No.

Q Do you recall how you opened the door whether you pulled in or pushed it?

1 B. Bogery

2 A I pulled out.

3 Q So just to be clear. You pulled the
4 door towards you towards the street in order to
5 enter?

6 A Yes.

7 Q How far inside the post office did
8 you walk before the accident occurred?

9 A One to two steps.

10 MR. JACOB: Mark Defendant's D
11 please.

12 (Defendant's Exhibit D was so
13 marked for identification.)

14 Q What does this photograph show?

15 A This shows the vestibule of the post
16 office.

17 Q Can you see where you fell in this
18 photograph?

19 A Yes, pretty much in front of this
20 door.

21 Q Can you mark with an X where you
22 fell? Put your initials again please. Thank you.

23 How did the accident happen?

24 A When I opened the door and I took one
25 or two steps I slipped and fell.

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Q Which direction did you take your
steps towards?

A Towards the right.

Q So you walked inside and you turned
right; is that correct?

A No, I was walking straight.

Q So you opened the door and took one
to two steps just straight towards which area?

A Towards the right.

Q What do you mean by the right?

A This entrance.

MR. SCHIOWITZ: Indicating the
right side of the Defendant's Exhibit D.

Q So the right side of the Defendant's
Exhibit D, so how would you describe this area the
right side of Defendant's Exhibit D, is it a door?

A Yes, it's an open door.

Q So you walked, you took one to two
steps from the exterior door towards the door --
interior door on the right hand side of Defendant's
Exhibit D; is that right?

A Yes.

Q What do you think caused you to fall?

A There was a puddle of water on the

B. Bogery

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2 floor.

3 Q Did you see anything on the floor
4 before you fell?

5 A No.

6 Q Did you see anything on the floor
7 after you fell?

8 A Yes.

9 Q How did you know it was water?

10 A After I slipped and ended up on my
11 knee I realized it was a puddle of water. And
12 that's when I knew.

13 Q Do you recall how large the puddle of
14 water was?

15 A Yes, it was a pretty big puddle.

16 Q How many feet?

17 A I would say like one to one and a
18 half inches of water.

19 MR. SCHIOWITZ: In which
20 direction?

21 Q I will rephrase.
22 How many feet wide was the puddle?

23 A Oh, okay, maybe two feet.

24 Q Was it square or round?

25 MR. SCHIOWITZ: Or something else?

B. Bogery

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2 A The puddle?

3 Q Yes, was the puddle square or round?

4 MR. SCHIOWITZ: Note my objection.

5 MR. JACOB: What was your objection?

6 MR. SCHIOWITZ: It could be
7 something else.

8 Q I see. What was the shape of the
9 puddle?

10 A I think, it was pretty much round.

11 Q Was it the same length in each
12 direction?

13 A No, it was not.

14 Q Which direction was longer?

15 A Coming towards the door.

16 Q How long was it in the direction
17 coming towards the door?

18 A Maybe.

19 MR. SCHIOWITZ: You mean from the
20 end of the puddle to the beginning of the
21 puddle by the door?

22 A Maybe like three feet or two and a
23 half or three feet.

24 Q How deep was the water from the top
25 of the water into the floor?

1 B. Bogery

2 A I would say like an inch and a half
3 from the floor to two inches.

4 Q When you fell were you stepping on
5 your right foot or your left foot?

6 A My right foot.

7 Q Did you fall immediately after you
8 slipped?

9 A Yes.

10 Q Can you describe to me as you fell
11 what happened with your feet?

12 A I just remember slipping forward and
13 I tried to catch my balance. I ended up on my right
14 knee.

15 Q So what happened with your right foot
16 as you fell forward on your right knee?

17 A What happened with my right foot?

18 Q I will rephrase.

19 So is it right that you're right foot
20 was the last foot that you put on the floor before
21 you fell?

22 A I don't recall.

23 Q You don't recall. Okay.

24 Do you recall what happened with your
25 legs as you were falling?

1 B. Bogery

2 A Yes, I lost my balance.

3 Q In which direction did your legs
4 move?

5 A Towards the right.

6 Q Did your left leg move towards the
7 right?

8 A No.

9 Q So maybe you can describe for me
10 exactly what happened to your legs as you were
11 falling?

12 A I was stepping, walking regularly and
13 then I slipped towards the right on my right leg.

14 Q You said towards the right on your
15 right leg. I will break that down. Towards the
16 right is when you fell towards the right hand side
17 of your body?

18 A Right.

19 Q And towards the right leg means that
20 that you fell -- you ended up falling onto your
21 right leg?

22 A Exactly.

23 Q Which part of your right leg did you
24 fall on?

25 A My right knee.

1 B. Bogery

2 Q How did the rest of your body move
3 during the fall?

4 A I landed with my hands on the floor
5 to get -- to push myself up.

6 Q Did anything else happen with your
7 shoulders and arms as you were falling?

8 A My back kind of -- when I twisted my
9 back got reinjured.

10 Q What twisted as you fell?

11 A My lower body.

12 Q What do you mean by your lower body?

13 A With me trying to catch myself with
14 my legs slipped and my weight on my right side, I
15 kind of -- I can't -- I was trying to catch myself,
16 so it was really awkward with me trying to catch my
17 weight.

18 Q Did your back twist as you fell?

19 A Yes.

20 Q Did your hips twist as you fell?

21 A Yes.

22 Q Did your legs twist as you fell?

23 A No, it didn't twist.

24 Q Did your right knee twist as you
25 fell?

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A Yes.

Q Did your left knee twist as you fell?

A No.

Q Did either of your ankles twist as
you fell?

A No.

Q What part of your body first came
into contact?

A My knee.

Q Did any other part of your body hit
anything besides the floor when you fell?

A No.

Q After your right knee hit the ground,
is that right, your right knee hit the ground first?

A Yes.

Q What was the next body part that hit
the ground?

A My hand.

Q On a scale of 1 to 10 how much pain
were you in immediately after you fell?

A Like a five.

Q Where was the pain?

A It was in my right knee.

Q Besides your right knee were you in

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pain anywhere else?

A My back.

Q Which hurt more?

A The knee.

Q After you fell did you get up?

A Yes.

Q How long was it between when you fell
to the ground and when you got up?

A It was really maybe like a minute.

Q Did anyone help you up?

A No.

Q Did you speak to anyone at the post
office about your fall?

A No.

Q As far as you know did anyone see you
fall?

A No, I don't think so.

Q What kind of shoes were you wearing
on the day of accident?

A Boots.

Q When you entered the post office were
the bottoms of your shoes wet at all?

A No.

Q Did you see any signs in the post

1 B. Bogery

2 office that day warning customers about wet floors?

3 A Yes.

4 Q Can you see in Plaintiff's -- I am
5 sorry, Defendant's Exhibit D where that sign was
6 depicted -- was placed?

7 A Yes.

8 Q Do you want to mark it with a
9 triangle?

10 A And initial it?

11 Q Yes.

12 MR. JACOB: Let the record reflect
13 that the Plaintiff has placed a triangle in
14 front of closed door on the left hand side
15 of that closed door by the Defendant's
16 Exhibit D.

17 MR. SCHIOWITZ: Off the record.

18 (Brief discussion held.)

19 MR. JACOB: Back on the record.

20 Q How far apart is it between where you
21 fell and where that sign was?

22 A How far apart? Not very far.

23 Q How many feet do you think?

24 A Maybe a foot.

25 Q Did you see that sign at any point

B. Bogery

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2 before you fell?

3 A No.

4 Q Could someone who opened the door
5 through the entrance that you came in see that sign?
6 Was it visible from that line of sight?

7 A Yes.

8 Q As you got up what did you do next?

9 A Got on line to pick up the package.

10 Q Did you tell anyone at post office
11 that you had fell?

12 A No.

13 Q Why not?

14 A I don't think much of it.

15 Q Why not?

16 A I really don't know.

17 Q What do you mean by that you didn't
18 think much of it?

19 A Just going about my business. I
20 didn't think -- even though I was in pain I didn't
21 think to tell someone they should mop up this water.

22 Q Why didn't you think that?

23 A Probably would have took more time
24 out.

25 Q It would have taken more time out of

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your day?

A Yes.

Q So you got on line to get your
package, what happened next?

A I got the package and left.

Q Did you walk back through the area in
which you fell?

A Yes.

Q Was a puddle still there?

A Yes.

Q Were you able to walk safely through
that time?

A Yes.

Q While you were at the post office,
did you seek any medical treatment?

A No.

Q What did you do after you left the
post office?

A I went to continue running my
errands.

Q How was your knee feeling at that
time?

A It was hurt.

Q On a scale of one to ten, what was

1 B. Bogery

2 it, your knee?

3 MR. SCHIOWITZ: At what point is
4 this?

5 MR. JACOB: This is when she left
6 the post office.

7 A Like six.

8 Q How long did it take you from when
9 you got up and got in line to actually get your
10 package and leave the post office?

11 A Maybe 7 or 8 minutes.

12 Q When you went to go run your
13 additional errands, did you get back in your car to
14 do so?

15 A Yes.

16 Q Where did you go next?

17 A I believe, to Park Chester.

18 Q What is Park Chester?

19 A A shopping area.

20 Q How far is that from the post office?

21 A It was like a ten minute drive.

22 Q And prior to you getting to Park
23 Chester, did you tell anyone about your accident?

24 A No, not prior to going.

25 Q Did you seek any medical attention?

1 B. Bogery

2 A No.

3 Q Who was the first person you told
4 about your accident?

5 A My aunt.

6 Q When did you tell her?

7 A That evening, I believe.

8 Q What is her name?

9 A Brenda Bogery.

10 Q So after you went to Park Chester
11 what did you do at Park Chester?

12 A I went to buy a few things at Macy's.

13 Q Did you walk into Macy's?

14 A Yes.

15 Q How long were you at Macy's for?

16 A Maybe 40 minutes, 45 minutes.

17 Q Were you in pain while you were at
18 Macy's?

19 A Yes.

20 Q What parts of your body were feeling
21 pain at that time?

22 A My back and my right knee.

23 Q Were the pain levels any different
24 from when you had left the post office?

25 A No.

1 B. Bogery

2 Q After you went to Park Chester, what
3 did you do next?

4 A Then I went home.

5 Q You drove from Macy's there?

6 A Yes.

7 Q And parked outside of your apartment?

8 A Yes.

9 Q What method did you use to talk to
10 your aunt about the accident?

11 A On telephone.

12 Q Where does she live?

13 A She lives in Manhattan on 103rd
14 Street.

15 Q What did you tell her?

16 A It was actually Christmas Eve the
17 next day when she called me. Asked me what was I
18 doing. I told her I was in bed because my knee was
19 swollen.

20 And then I told her -- she said,
21 "What happened?"

22 I said, "I slipped yesterday in the
23 post office in a puddle of water."

24 Q So you spoke to her on December 24
25 Christmas Eve; is that right?

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A Yes.

Q You told her about the accident that occurred the previous day?

A Yes.

Q On the day of the accident, did you tell anyone about the accident?

A No.

Q What did you do when you got home that night on the day of the accident?

A Well, I got undressed because I wanted to look at my knee. And that's when I saw bruises. And it was swelling, so the pain was increasing. I just did pretty much laying on the couch and nothing just tried to keep it elevated.

Q Besides trying to keep it elevated, did you do anything else to try and alleviate your pain in your knee?

A I think, I put ice pack.

Q Was your back still in pain at that time?

A Yes.

Q Did you ever seek medical treatment on the day of the accident?

A No.

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Q Why not?

A Because I didn't feel like I needed
to go to the emergency room or see a doctor about
it.

Q Why didn't you feel that?

A I just figured it would go away.

Q So the next day what did you do on
the next day?

A Nothing much. I just stayed on the
couch.

Q Do you know if you worked that day?

A No, it had to have been a weekend.

Q Did you talk -- beside your aunt, did
you speak with any one else about the accident on
that day?

A No.

Q Do you recall what you told your aunt
about the accident? Do you recall what she told
you, what she said?

A She said, "Oh. I am sorry to hear
that." Or something like that.

Q Besides your aunt -- strike that.

Did you seek any medical treatment on
the day after your accident?

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A No.

Q Why not?

A I was self treating my injury on my
own.

Q How did you self treat your injury?

A Just by keeping it elevated and
putting the ice. I probably took a Tylenol.

Q Did you ever write anything down
about this accident?

A No.

Q Did you ever send someone a text
message about the accident?

A No.

Q Do you ever e-mail anyone about the
accident?

A Other than my job, no, I probably had
to notify them in writing what happened.

Q How would you notify your job in
writing about what happened?

A Through e-mail, my supervisor.

Q Would you e-mail from your personal
e-mail account?

A No, at the job.

Q So you would use your work e-mail

1 B. Bogery

2 account to send an e-mail to your supervisor?

3 A Yes.

4 Q You have access to a computer at work
5 where you have a New York City e-mail address; is
6 that right?

7 A Yes.

8 Q When did you notify your supervisor
9 about the accident?

10 A I think, maybe December 27th.

11 Q Did you go back into work after the
12 accident?

13 A Yes.

14 Q We will get to that in a second.

15 Do you know if you used any of your
16 e-mails from your personal e-mail account or e-mail
17 your work about the accident?

18 A No, I don't remember.

19 MR. JACOB: Jeremy, we are going to
20 request that she search her personal e-mail
21 account to see if she sent an e-mail about
22 those records. And if those records exist
23 be produce to us.

24 MR. SCHIOWITZ: Her personal
25 e-mail account?

1 B. Bogery

2 MR. JACOB: Yes.

3 MR. SCHIOWITZ: Do you have still
4 have access to personal e-mail account back
5 in December of 2014?

6 THE WITNESS: No.

7 MR. SCHIOWITZ: You use a
8 different e-mail now?

9 THE WITNESS: No, it was on the job.

10 MR. SCHIOWITZ: Did you have a
11 personal e-mail account, not your work
12 e-mail, did you have your own personal
13 e-mail back in December of 2014?

14 THE WITNESS: Yes.

15 MR. SCHIOWITZ: Do you do still
16 use that e-mail now?

17 THE WITNESS: No. From my personal
18 account?

19 MR. SCHIOWITZ: Do you have access to
20 that old e-mail account?

21 THE WITNESS: Yes.

22 MR. SCHIOWITZ: She could check
23 it.

24 MR. JACOB: I will make a request in
25 writing, but we are going to request that

1 B. Bogery

2 those be searched and produced.

3 MR. SCHIOWITZ: No problem.

4 Q When was the first time -- actually
5 strike that.

6 What physical injuries do you believe
7 that you experience as a result of the accident in
8 December of 2014?

9 A I injured my right knee. I reinjured
10 my back.

11 Q Any other injuries?

12 A No.

13 Q How does your right knee injury
14 effect you?

15 A It effects me because it still gives
16 out. When I am walking upstairs I can't walk as
17 much as I used to.

18 Q How severe is the injury?

19 A I don't wear heels anymore.

20 Q Has the severity of the injury
21 changed over time?

22 A Yes.

23 Q Has it gotten better or worse?

24 A It gotten better.

25 Q What was the first time that you

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B. Bogery

sought medical treatment for the injuries suffered
as a result of the accident?

A On December 25th.

Q Where did you go?

A I went to Montefiore Hospital.

Q Who did you see there?

A The emergency room.

Q Did they refer to you a doctor?

A No, they didn't refer me to a doctor.

Q Did you see a doctor, was the doctor
at Montefiore available to see you?

A Yes.

Q Were you seen by such a doctor?

A Yes.

Q What did you tell that doctor?

A I told the doctor about the accident
that I slipped in the post office in a puddle of
water.

Q What did the doctor tell you?

A That I need to take x-rays.

Q Did the doctor tell you anything
else?

A Yes, that I had to get it wrapped in
the ACE Bandage and keep it elevated.

1 B. Bogery

2 Q Besides the x-ray ordered, did they
3 order any other tests at Montefiore?

4 A No.

5 Q Did they prescribe you any
6 medications?

7 A I don't recall.

8 Q Did the doctor advise you of the
9 possibility of a meniscus tear?

10 A I don't recall at the time.

11 Q Do you recall if anyone else at
12 Montefiore advise you of the possibility of a
13 meniscus tear during the visit?

14 A No.

15 Q What medical providers besides
16 Montefiore have you seen as a result of this
17 accident?

18 A I have seen Dr. Vlattas, Dr. Magyar
19 and Dr. Katzman, and also Dr. Hossack.

20 COURT REPORTER: Can you spell that?

21 THE WITNESS: H O S S A C K.

22 Q Did you see any other doctors as a
23 result of injuries suffered during this accident
24 besides one that you just named?

25 A Doctors, no.

1 B. Bogery

2 Q Did you see any other healthcare
3 providers?

4 A Physical therapist.

5 Q What physical therapist?

6 A At Dr. Magyar's office. And also a
7 Estrella.

8 COURT REPORTER: E S T R E L L A.

9 Q Where is Dr. Estrella located?

10 A Westchester Avenue.

11 Q Was he part of a physical therapy
12 company?

13 A I believe, it's her own company.

14 Q Besides the therapist you just
15 mentioned and the doctors you just mentioned, did
16 you see anyone else in connection with seeking
17 medical treatment as a result of the injuries that
18 you suffered in the accident in this case?

19 A No.

20 Q We are going to go through with a
21 little bit about what you told each doctor and the
22 discussions you had with them, so let's start with
23 Dr. Vlattas.

24 Why did you see Dr. Vlattas for the
25 injuries in this case?

1 B. Bogery

2 A I thought that he would be able to
3 treat me because I was already under his care.

4 Q What were you under his care for at
5 the time of the accident?

6 A For my back and my neck.

7 Q What kind of treatment was he
8 providing at the time?

9 A Basically, prescribing the pain
10 medications and the muscle relaxers.

11 Q When did you first see Dr. Vlattas
12 for your injuries in this accident?

13 A Maybe some time in January -- the
14 first week of January.

15 Q Do you recall what you told him?

16 A I told him about the accident slip
17 and fall.

18 Q Do you recall what you told him about
19 your injuries?

20 A Yes, I told him I injured my right
21 knee and reinjured my back.

22 Q What did he tell you?

23 A I don't recall.

24 Q Did you continue to see Dr. Vlattas
25 about the injuries for the accident in this case?

1 B. Bogery

2 A No, he referred me to Dr. Katzman.

3 Q So when did you first see Dr.
4 Katzman?

5 A Maybe a week after the second week in
6 January.

7 Q What was the specific reason that you
8 saw him?

9 A So he could check my right knee.

10 Q But how did you know to see Dr.
11 Katzman? How do you know to go to this doctor?

12 A Dr. Vlattas referred me to him.

13 Q What did you tell Dr. Katzman?

14 A I told him about the accident and
15 that I was still having pain in my knee -- in my
16 right knee and my back.

17 Q What did Dr. Katzman say to you?

18 A I think that I should take an MRI, I
19 think, he referred me to go have MRIs done.

20 Q Did you have MRIs done?

21 A Yes.

22 Q Where did you have those done?

23 A At Stand-Up MRI.

24 Q Did Dr. Katzman refer you for any
25 other tests?

B. Bogery

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A No.

Q Did he prescribe you anything?

A No.

Q How soon after Dr. Katzman suggested
that you get MRI, did you get one?

A For the next scheduled. I don't
recall when that was.

Q Approximately a month or so?

A Maybe in February.

Q Did you see Dr. Katzman again after
you got the MRIs?

A I don't think so.

Q Did you ever see Dr. Katzman again
after that initial visit?

A Yes.

Q When did you see him?

A I saw him about two weeks ago.

Q Why did you see him?

A For a follow-up on my knee.

Q Did you see him in connection with
this lawsuit?

A Yes.

Q What was the purpose of your visit to
the Dr. Katzman?

1 B. Bogery

2 A Just to see how I was healed.

3 Q What did he tell you?

4 A He didn't say much to me about -- he
5 said, "It looks good."

6 Q What did you tell him during that
7 meeting?

8 A I told him I was there to have a
9 checkup on my knee because I wanted to return to
10 work.

11 Q How was your visit to him related to
12 this lawsuit?

13 A I have no idea.

14 Q Did you set up the meeting or did
15 someone else set up the appointment?

16 A Someone else did.

17 Q Who set it up?

18 A Mr. Schiowitz' office.

19 MR. JACOB: Jeremy, I don't
20 believe we have any records of that
21 appointment.

22 MR. SCHIOWITZ: Okay, I believe, I
23 sent it to you.

24 MR. JACOB: We will talk afterwards.

25 MR. SCHIOWITZ: I sent you with the

1 B. Bogery

2 narrative report.

3 MR. JACOB: I see. Thank you. We
4 will talk afterwards.

5 Q Going back to the doctors that you
6 have seen, so besides your visit to Dr. Katzman only
7 about couple of weeks ago and your initial visit to
8 him soon after the accident you said in January of
9 2015, did you see him at any other point regarding
10 the injuries suffered in this case?

11 A No.

12 Q Doctor Magyar, why did you see Dr.
13 Magyar for your injuries in this case?

14 A I was referred to him about Mr.
15 Schiowitz' office to receive physical therapy.

16 Q When did that referral happen?

17 A Maybe February of 2016, '15.

18 Q Do you know what the relationship
19 between Dr. Magyar and Dr. Katzman?

20 A I don't know any.

21 Q Do you know why Mr. Schiowitz' office
22 referred you to Dr. Magyar?

23 A Because Dr. Katzman was no longer
24 taking my insurance.

25 Q Did Mr. Schiowitz' office refer you

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B. Bogery

to Dr. Katzman?

A No, Dr. Vlattas did.

Q I am just trying to be careful about
how I phrase this.

Why did you need a new doctor --

Did you need a new doctor at any
point in time in this case after your injuries here?
Were there any other reasons why you couldn't see
any of the other doctors?

A I couldn't continue to see Dr.
Katzman because he was not taking my insurance.

Q You still wanted to see doctors at
that point in time?

A Yes.

Q How did you go about finding a new
doctor?

A I talked to Mr. Schiowitz.

Q His office referred you to Dr.
Magyar, is that right?

A Yes.

Q Has his office referred you to any
other doctors that you have seen?

A No.

Q When did you first see Dr. Magyar?

1 B. Bogery

2 A That was some time, I believe, in
3 February of 2015.

4 Q What kind of doctor is Dr. Magyar?

5 A A regular doctor.

6 Q Does he have any type of specialty,
7 do you know?

8 A I am not sure.

9 Q When you saw him what did you say?

10 A I told him that I was still in a lot
11 of pain from a slip and fall accident. And I
12 received treatment from him -- well, examination
13 from him.

14 Q What part of your injuries did you
15 tell him that you suffered as a result of the
16 accident?

17 A I told him about my right knee and my
18 back.

19 Q What did he say to you?

20 A He told me that I was in bad shape,
21 that I should continue with physical therapy. And
22 gave me the referral for the same place inside his
23 office to start physical therapy.

24 Q Did he order any tests?

25 A I think so.

B. Bogery

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Q What kind of test?

A I am not sure.

Q Did he prescribe you anything?

A No.

Q Did he recommend surgery?

A Yes.

Q When was the first time that any
doctor recommended surgery for any of the injuries
that you had in this case?

A I believe, it was Dr. Magyar.

Q Which meeting with Dr. Magyar did he
make that recommendation around what time?

A Maybe several months later after he
was received the MRI report.

Q Did he diagnose your injury tell you
what you the medical condition was that you had in
your right knee?

A Yes.

Q What did he tell you?

A He told me that I had a torn
meniscus.

Q Had you heard that before?

A The term?

Q Had you been diagnosed with a torn

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B. Bogery

meniscus by any other doctor prior to your visit
with Dr. Magyar?

A I am not sure.

Q What was the first time that you
learned you had a torn meniscus?

A I believe that was the first time
when I saw Dr. Magyar.

Q In February of 2015?

A Yes.

Q Did he diagnose what the problem was
with your back?

A I don't remember.

Q Now, I am going to focus for a little
on Dr. Hossack.

When did you first see Dr. Hossack?

A I saw him maybe four months after
seeing after physical therapy and treating with Dr.
Magyar.

Q Where is Dr. Hossack based?

A At Montefiore Hospital.

Q How did you end up visiting with Dr.
Hossack?

A I think, I researched him also
because I was stopped being seen at Dr. Magyar's

1 B. Bogery

2 office because I was receiving bills. And I
3 couldn't pay the bills, so I was looking for a
4 doctor that accepted my insurance to do the surgery.

5 Q When did you stop seeing Dr. Magyar?

6 A After like four months.

7 Q How often would you go see him, not
8 the physical therapy part, just or -- was he part of
9 that?

10 A Yes, he was a part of it, yes, it was
11 like three times a week.

12 Q During that period when you were
13 seeing Dr. Magyar from -- is it from approximately
14 February to approximately July of 2015; is that
15 right?

16 A Yes, that sounds right.

17 Q Was your right knee improving during
18 that time period?

19 A No, it was not.

20 Q Was your back improving during that
21 time period?

22 A No, it wasn't.

23 Q The pain levels for both were
24 approximately the same during the time period?

25 A Yes.

1 B. Bogery

2 Q During that time period was your
3 right knee pain greater than it was on the day of
4 the accident after the accident?

5 A Yes.

6 Q During the time period was your back
7 pain greater than it was the day after the accident?

8 A No, it was the same.

9 Q During the time period was your back
10 pain worse, the same, or better than it was before
11 the accident?

12 A Before which accident?

13 Q Before the December of 2014 accident.

14 A It was worse.

15 Q So when you went or Dr. Hossack what
16 did you tell him?

17 A He had my medical records prior to me
18 meeting with him, so when I first saw him he gave me
19 an examination and told me that I would have to get
20 clearance from my prior area doctor in order for him
21 to perform the surgery so...

22 Q At that point in time which doctors
23 had recommended surgery to you?

24 A Dr. Katzman was initially the first
25 doctor that wanted to perform the surgery, but

1 B. Bogery

2 because he didn't take my insurance I had stopped
3 seeing him, so Dr. Hossack was the second doctor.

4 Q What did Dr. Hossack tell you?

5 A That he would recommend that I do go
6 through with the surgery.

7 Q Who was your primary physician?

8 A Doctor Karayil.

9 Q Where is she located?

10 A He is on Westchester Avenue.

11 Q Can you spell the name?

12 A K A R A Y I L.

13 Q Did you ever talk to Dr. Karayil
14 about your knee or back injuries?

15 A Yes.

16 Q Did you ever talk to Dr. Karayil
17 about this accident?

18 A Yes.

19 Q What did you say to Dr. Karayil about
20 the accident?

21 A I told him that other doctors were
22 recommending the arthroscopic surgery. And he was
23 the doctor that had to give me the clearance due to
24 the diabetes in order to have the surgery, so after
25 I got the clearance Dr. Hossack performed it.

1 B. Bogery

2 Q So prior to you receiving -- I am
3 sorry, prior to you needing clearance being informed
4 that you needed clearance for the surgery, did you
5 ever talk to Dr. Karayil about your injuries?

6 A No, prior to, no.

7 Q Dr. Karayil granted the clearance?

8 A Yes.

9 Q Did he ever provide any treatment to
10 you for your right knee or back?

11 A After the surgery he prescribed that
12 I take Calcium with Vitamin D from then until now.

13 Q After Dr. Hossack recommended
14 surgery, was that surgery performed?

15 A Yes.

16 Q Who performed the surgery?

17 A Dr. Hossack.

18 Q Do you know what the surgery was
19 called?

20 A Arthroscopic.

21 Q What was the purpose of the surgery?

22 A He told me that he had to go in and
23 repair the torn.

24 Q When did you have that surgery?

25 A September of 2015.

B. Bogery

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Q And did Dr. Hossack speak to you
after that surgery?

A Yes, on my follow up.

Q What did he tell you?

A He told me everything looked good and
just to take some time and continue to recover and
he removed the stitches.

Q What treatment for your back have you
received on your back since the accident?

A I was scheduled to have a treatment,
but it had to get cancelled because my sugar was too
high.

Q What kind of treatment?

A Epidural.

Q Who prescribed that?

A Doctor Vlattas.

Q Did you do any physical therapy for
your back?

A No, I didn't.

Q Was that ever recommended by a
doctor?

A Yes.

Q Which doctor recommended that?

A Dr. Vlattas.

1 B. Bogery

2 Q Why didn't he do physical therapy?

3 A There was an issue with the insurance
4 not paying for it.

5 Q If you had insurance that was able to
6 pay for it, would you have done the physical
7 therapy?

8 A Yes.

9 Q About besides the recommendation of
10 the epidural and the physical therapy, did any
11 doctor make any other recommendations to treat your
12 back injury after the accident?

13 A No.

14 Q Besides the recommendations of
15 surgery for your knee, did any other doctors make
16 any other recommendation to treat your knee for the
17 injuries suffered in this accident?

18 A No.

19 Q Did any doctors recommend physical
20 therapy for your knee?

21 A After the surgery?

22 Q After the accident before the
23 surgery?

24 A Oh, yes.

25 Q Which doctor recommended physical

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therapy?

A Dr. Magyar.

Q Any other doctors?

A I am not sure if Dr. Hossack.

Q Did you ever end up doing physical
therapy for your knee?

A Yes, after.

Q After or before the surgery?

A I went before and after.

Q When did you first go to physical
therapy for your knee?

A I started in February.

Q Where did you go to that?

A That was at the intervention, East
Tremont Intervention Medicine.

Q How often did you go to physical
therapy?

A I went three times a week.

Q That continues until when?

A For about three to four months.

Q What would you do at physical
therapy?

A They would put electrodes on my back
and give me massages and the same thing for my knees

1 B. Bogery

2 and put cold presses on.

3 Q Would you do exercises for your knee?

4 A Yes.

5 Q Any exercises for your back?

6 A Yes.

7 Q When did you stop going to
8 interventional?

9 A About three or four months.

10 Q Did you ever go to any other
11 therapist for your back or knee injury besides
12 interventional after this accident in this case?

13 A Yes, I went to Estrella.

14 Q Why did you go to multiple therapist?

15 A Because I was receiving bills from
16 Dr. Magyar's office.

17 Q Is Magyar associated with
18 Interventional?

19 A Yes.

20 Q So when did you stop going to
21 Interventional?

22 A That was around June or July.

23 Q When did you start going to Estrella?

24 A Like immediately after like two weeks
25 after.

B. Bogery

Q What how often would you go to
Estrella?

A Just twice a week.

Q What would you do there?

A The same thing back massages and
massages and compresses on my right knee exercises.

Q Before the surgery did any doctors
prescribe you medications for your right knee?

A Yes.

Q What doctor was that?

A Dr. Vlattas.

Q What medication?

A I am not sure the name because it was
for pain.

Q Was it pain management medication?

A Yes.

Q To help you with the pain?

A Yes.

Q Any other medication for your right
knee prescribed before the surgery?

A No.

Q What about for your back, did any
doctor prescribed you for medication for your back
before the surgery?

1 B. Bogery

2 A Yes, Dr. Vlattas.

3 Q What medication was that?

4 A That was the muscle relaxer,
5 Naprosyn.

6 Q Besides those medications that you
7 have already described, were you described any other
8 medication for injuries suffered in the accident in
9 this case?

10 A It probably was like two different
11 pain medications, but none other than that.

12 Q Besides the test that you have had
13 performed at Stand-Up MRI, have you had any other
14 tests in this case performed?

15 A No.

16 Q At the time of the surgery the
17 surgery was in September of 2015?

18 A Yes.

19 Q The time right before the surgery had
20 your knee gotten any better since the accident?

21 A Before the accident.

22 Q I am sorry. Had your knee improved
23 since having the knee injury during the accident at
24 the time of the surgery -- let me rephrase.

25 I will ask it one more time just so

1 B. Bogery

2 we have a cleaner record.

3 At the time before you had the
4 surgery had your knee gotten any better since you
5 had injured it in the accident?

6 A No.

7 Q At the time that you had the surgery
8 had your back gotten any better since the time you
9 had the accident?

10 A No.

11 Q After the surgery did you see any
12 doctors besides Dr. Hossack for your knee?

13 A No.

14 Q After the surgery did you continue
15 any physical therapy for your knee?

16 A Yes, I did.

17 Q What physical therapy?

18 A At Estrealla.

19 Q At Estrealla?

20 A Yes.

21 Q How did you continue physical therapy
22 for?

23 A For about two months after the
24 surgery.

25 Q After that two month period of

1 B. Bogery

2 continued physical therapy you stopped?

3 A Yes, after initially going to Dr.
4 Magyar's office.

5 Q Did you see any other doctors after
6 the surgery for your knee?

7 A No.

8 Q Did you think the surgery was
9 successful?

10 A Yes.

11 Q How so?

12 A Well, I am not constantly in pain
13 anymore.

14 Q Soon after the surgery, how long did
15 it take from the surgery when you ended the surgery
16 for you not to be in constant pain anymore, was it
17 immediate?

18 A No, I would say like after seven
19 months.

20 Q Besides the physical therapy did you
21 do any other -- do you have any other treatments on
22 your knee during that time period?

23 A No.

24 Q Since right before the surgery has
25 your back improved at all since after the accident?

1 B. Bogery

2 A No, it has not.

3 Q Are you still seeing any doctor for
4 your back?

5 A Yes.

6 Q Who are you seeing?

7 A Dr. Vlattas.

8 Q Are you still seeing any doctor for
9 your knee?

10 A No.

11 Q Besides Dr. Vlattas are you seeing
12 any other doctor for your back?

13 A No.

14 Q After the accident in this case why
15 did you stop working?

16 A After the accident I was in
17 excruciating pain.

18 Q Did you ever start working again?

19 A Since the accident?

20 Q Correct.

21 A No.

22 Q Why haven't you started working
23 again?

24 A Well, it was difficult for me to be
25 up and down the train stairs. And that was one the

1 B. Bogery

2 main reason on public transportation, but I have
3 submitted my papers to return to work. It's just a
4 process with me going back with them calling me
5 back.

6 Q When did you submit your papers to
7 return to work?

8 A In April last month.

9 Q Just one month ago?

10 A Yes.

11 Q Do you feel if you returned to work
12 today you could do all the activities that you could
13 do before the accident?

14 A Yes.

15 Q For the time period from after the
16 accident until you recently submitted this
17 application, were there activities at work that you
18 couldn't do that you used to have to do at work?

19 A Yes, I had a special accommodations
20 at work.

21 Q What special accommodations was that?

22 A Like I could wear sneakers, and I
23 can't reach to hang up things.

24 Q When were you granted this special
25 accommodations?

1 B. Bogery

2 A That was back in 2011.

3 Q This is after the accident?

4 A No, I am sorry, 2013.

5 Q This was as a result of injuries you
6 suffered during the 2011 accident?

7 A Yes.

8 Q When did you think that you could
9 start working again after the accident in the post
10 office?

11 A Maybe like a year and a half ago I
12 felt up to going back to work.

13 Q Why did you wait to submit your
14 applications until just recently?

15 A Because I had a setback with my right
16 shoulder and I was put back on pain medication.

17 Q Do you think the injuries that you
18 suffered as a result of the accident at the post
19 office were healed enough that you could go back to
20 work?

21 A About a year and a half after the
22 surgery.

23 Q After the surgery?

24 A Yes.

25 Q For that time period where you

1 B. Bogery

2 thought that you couldn't work because of the
3 accident in the post office and those injuries?

4 A Yes.

5 Q What activities involved with working
6 couldn't you do?

7 A It was basically the traveling to get
8 there on public transportation.

9 Q Were you able to work -- assuming
10 that you could teleport to work, you didn't have to
11 travel, be on public transportation, would you be
12 able to work during at that time period?

13 A No.

14 Q Why not?

15 A Because I was still taking pain
16 medication that had me drowsy a lot of the time.

17 Q What pain medication was that?

18 A I forget the name.

19 Q Was this pain medication given to you
20 for your back?

21 A Yes.

22 Q Was it given to you for your knee?

23 A No.

24 Q Besides the drowsiness from the pain
25 medication and the traveling were there any other

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B. Bogery

reasons during that time that you couldn't work?

A No.

Q Since the post office accident have
you ever tried to find a different job?

A Yes.

Q What have you done to do so?

A I submitted my resume to a temp
agency and a few other things that I applied for
on-line.

Q What was the result of that effort?

A I really have not received any
response.

Q Have you ever asked your employer to
provide further accommodations for you as a result
of your injuries?

A Not yet.

Q Are you still paid by the Department
of Homeless Services?

A No, I am not.

Q When did that stop?

A It stopped almost like a month after
I went out on a leave without pay.

Q Do you receive any Workers'
Compensation?

B. Bogery

A No.

Q When did the Workers' Compensation
for your last case stop?

A 2012 or 2013.

Q Did you receive any income in the
year 2017 from the Department of Homeless Services
or the City of New York?

A No.

Q Did you receive any -- what was your
income? Do you have any income in the year 2017?

A Public assistance.

Q What do you mean by that?

A The government assistance.

Q Do you receive Medicare?

A Medicaid.

Q Medicaid?

A Yes.

Q Social Security Disability benefits?

A No.

Q Food stamps?

A Yes.

Q And by your government assistance,
how much is that?

A It's like maybe \$300 bi-weekly.

B. Bogery

Q Do you currently have medical insurance?

A Yes.

Q Who provided that insurance?

A Medicaid.

Q Do you have any private insurance?

A No.

Q So I am going to ask you a series of questions about what you can and can't do as a result of the injuries suffered in this accident.

Does your knee injury or the reaggregation of your back injury effect your ability to stand?

A Yes.

Q How exactly?

A Like I said my knee will sometimes give out.

Q Does your back injury effect your ability to stand?

A Yes.

Q How so?

A Sometimes I have a hard time getting out of bed when my back is having spasms.

Q Does your knee injury effect your

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ability to sit?

A No.

Q Does your back injury effect your

ability to sit?

A Yes.

Q How so?

A For long periods of time.

Q What happens when you sit for period
of times?

A I am in pain.

Q Where is that pain exactly?

A Lower back.

Q Does your knee injury effect your
ability to lift?

A Yes.

Q How so?

A I have to bend to try to lift
something.

Q Does your back injury effect your
ability to lift?

A Yes.

Q How so?

A I am unable to lift more than two to
three pounds.

B. Bogery

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Q Does your knee injury effect your
ability to use stairs?

A Yes, I am off balance sometimes.

Q Are you in any pain what you use
stairs?

A No.

Q Does your knee injury effect your
ability to walk long distances?

A Yes.

Q How so?

A I can't walk for more than four or
five blocks without feeling some kind of -- it's not
exactly pain, but strain.

Q Where exactly is that strain located
in your body?

A It's near my right knee the side of
it.

Q Do you use any assistance devices?

A I don't walk with none, no.

Q Like a cane?

A No.

Q Right after the accident did your
knee injury effect your ability to walk around your
apartment?

B. Bogery

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A Yes.

Q How severe was that?

A I had crutches and a brace on my right knee.

Q Right after the accident?

A No, I thought after the surgery.

Q That's okay. So let's talk about right after the accident. Right after the accident was it harder for you to walk around your apartment because of your injury to your right knees?

A Yes.

Q How long did that last?

A It lasted all the way up until I had the surgery.

Q And then when did it get better?

A It got better about 7 months after the surgery.

Q Now walking around your apartment today, does your right knee injury impact your ability to do so at all?

A No.

Q Does your back injury -- right after the post office accident, does your back injury -- did your back injury effect your ability to walk

B. Bogery

around your apartment?

A Yes.

Q Was it any worse than it was before
the post office accident?

A It was worse after the post office.

Q Did that ever improve with respect to
your back?

A No.

Q Right after the accident, did your
injury ever effect your ability to bath yourself?

A No.

Q Right after the accident did either
your back or knee injury ever effect your ability to
get dressed?

A No.

Q Right after the accident did your
back or knee injury effect your ability to feed
yourself?

A No.

Q Right after the accident did your
injury ever effect your ability to go for walks
outside?

A Yes.

Q Let's talk about right after the

B. Bogery

accident.

Were you able to go for walks
outside?

A No.

Q Why not?

A Because I was in pain.

Q When did that get better?

A Right after the accident maybe like
three months.

Q Is there anything that you were able
to do before the accident that you cannot do now?

A Wear heels, walk long distances, walk
up stairs without holding on to the banister for
balance.

Q How frequently would you wear heels
before the accident?

A Like three or four times a week.

Q Have you tried to do so since?

A Yes, I tried.

Q What happened?

A I am just nervous about it.

Q Did you feel any pain when you put on
heels after the accident?

A Yes.

B. Bogery

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Q Where did you feel pain?

A On the side of my right knee.

Q How many times have you tried to wear
heels since the accident?

A Maybe like six times.

Q Have you tried since you had since
the surgery?

A Yes.

Q Was the result the same?

A Yes.

Q Have you tried recently?

A No.

Q When was the last time you think you
tried?

A Maybe about March, the beginning of
March.

MR. SCHIOWITZ: Of 2018?

THE WITNESS: Yes.

Q How often before the accident would
you walk long distances?

A Like twice a week.

Q That was even after your back
accident in 2011?

A Yes.

B. Bogery

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Q Have you tried to walk long distances since the accident in the post office?

A Yes.

Q What happened?

A I feel pain.

Q Where do you feel pain?

A In my right knee.

Q Have you tried to walk long distance since approximately seven months after the surgery when you felt improvement?

A No.

Q Have you gone dancing since the post office accident?

A Yes.

Q How often do you go dancing these days?

A Not often.

Q Not often means how many times per months?

A Like some months none at all.

Q So but some months you do go dancing -- how many times a year do you think maybe you go?

A I have not just until recently last month.

B. Bogery

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2 Q Just to clarify, so you think you go
3 once every other month?

4 A No.

5 Q Once every four months?

6 A Seven months.

7 Q How did you feel the last time you
8 went dancing?

9 A I just wore comfortable flats and I
10 was okay.

11 Q How was your knee?

12 A I didn't do too much dancing.

13 Q Did your knee in pain that night?

14 A No.

15 Q Are you reluctant at all to go
16 dancing more often because of your injuries in this
17 case?

18 A Yes.

19 Q Why?

20 A Because I don't want it to give out
21 on me.

22 Q Is there anything else that the
23 injuries to your knee and the reactivation to the
24 injuries to your back that you suffered as a result
25 of the accident in the post office effects in your

1 B. Bogery

2 life other than what we have discussed already?

3 A Well, you know, just my mental state
4 sometimes, not be able to do things that I had
5 before.

6 Q By the things that you have before do
7 you mean wearing heels, walk long distances, walk, I
8 think, that's it and dance are those the things --

9 A And run in the park with my daughter.

10 Q So before the accident when you would
11 -- what would you do in the park with your daughter?

12 A I would be able to push her on the
13 swing and run around with the ball with her.

14 Q And do you go to the park with your
15 daughter these days?

16 A Yes, now that the weather is
17 breaking.

18 Q What do you do at the park with your
19 daughter?

20 A I sit and watch her play now.

21 Q Do you ever play with the ball with
22 her at the park anymore?

23 A No.

24 Q Do you ever push her in the swing --
25 maybe she is to big?

1 B. Bogery

2 A Yes, she is too big for swings.

3 Q I just have a few questions about a
4 few document then we will wrap.

5 MR. SCHIOWITZ: I have a few
6 follow ups just to clarify.

7 MR. JACOB: Mark Defendant's Exhibit
8 E.

9 (Defendant's Exhibit E was so
10 marked for identification.)

11 Q Do you recognize what this document
12 is?

13 A It's from Dr. Vlattas?

14 Q Yes.

15 MR. SCHIOWITZ: Read through it
16 first.

17 Q Take your time and let know me know
18 when you have read through it and you are ready to
19 speak about it. Take your time.

20 MR. SCHIOWITZ: She is ready.

21 Q Do you see where in the paragraph
22 titled, "Note."

23 It says, "Her low back is back to
24 baseline?"

25 A Yes.

1 B. Bogery

2 MR. SCHIOWITZ: Do you see that?

3 Q Do you see where it says, "Visit
4 date."

5 It says, "8/11/2015." How was your
6 lower back feeling in August of 2015?

7 A It was in pain.

8 Q Was it feeling the same amount of
9 pain as you felt before the accident in the post
10 office?

11 A Yes.

12 Q Was it any worse than it was before
13 the accident in the post office?

14 A Yes, it was.

15 Q Do you know why Dr. Vlattas may have
16 used this term back to baseline in this office note?

17 A No.

18 Q What is your understanding of what
19 that might mean?

20 A Back to baseline. Back to the
21 initial way it was.

22 Q Do you think that that is an accurate
23 description of how you felt on August 11th of 2015?

24 A Yes.

25 Q It was back to the way it was before

B. Bogery

the accident?

A Yes.

Q Did it ever get worse again?

A It's constantly on and off.

Q It also says here that the fall on 12/24/2014, why do you think Dr. Vlattas note that you fell on 12/24/2014?

A I think I had the date mixed up between the 23rd and the 24th.

Q Actually let's talk a little more about that. Let me mark another document about that.

MR. JACOB: Mark Exhibit F.

(Defendant's Exhibit F was so marked for identification.)

Q Do you recognize this document?

A No, I don't.

Q If you see down the bottom lower left where it says, "Signature of claimant."

Do you see that box?

A Yes.

Q Is that your signature?

A No, it's not.

Q Did you ever review this document?

1 B. Bogery

2 A No, I didn't.

3 Q Is this the first time that you ever
4 seen this document?

5 A Yes, I believe so.

6 Q Do you see box 6 towards the upper
7 right? It says, "Date and day of accident."

8 A Yes.

9 Q Do you see where it says
10 "12/24/2014?"

11 A Yes.

12 Q Why do you think it says that day?

13 A Because I was confused about the date
14 of accident.

15 Q Why do you think you were confused?

16 A Because I thought that it was
17 actually December 24th.

18 Q Why do you think that?

19 A Because I just remember trying to get
20 to the post office because I thought they was going
21 to be closed the next day which would have been
22 Christmas day.

23 Q Do you celebrate Christmas?

24 A Yes.

25 Q Where do you typically spend the

B. Bogery

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Christmas day?

A At home.

Q At your own home?

A Yes.

Q Do you recall where you spent
Christmas in the year 2014?

A Yes.

Q Where was that?

A I was at home when I woke up.

Q Is Christmas a notable day for you
each year?

A Yes.

Q Is Christmas Eve also a notable day
for you each year?

A Yes.

Q Do you think you generally sometimes
have difficulty remembering details?

A No, not usually.

Q When you say, "Not usually," are
there times when you have difficulty remembering
details?

A No.

Q It says the time here in box 7 is
4:15 p.m., do you think that accurately describes

1 B. Bogery

2 when you believe the accident occurred?

3 A Yes.

4 Q Are you aware that in this case you
5 have amended your complaint to change the date?

6 A Yes.

7 Q Why did you do that?

8 A Because the accident happened on
9 December 23rd.

10 Q How did you realize that in your view
11 the accident happened on December 23rd?

12 A Because the post office was closed on
13 the 24th.

14 Q How did you learn about that?

15 A On line.

16 Q Besides that did you learn through
17 any other way that the accident may have occurred on
18 a different day than the day on this form?

19 A Yes.

20 Q How?

21 A Mr. Schiowitz read to me the medical
22 report.

23 Q Is there any other reason that you
24 think of as to why you thought the accident occurred
25 on December 24th?

1 B. Bogery

2 A No other reason.

3 MR. JACOB: Mark Defendant's
4 Exhibit G.

5 (Defendant's Exhibit G was so
6 marked for identification.)

7 Q Have you seen this document before?

8 A No.

9 Q You can flip --

10 MR. SCHIOWITZ: Look through it.

11 Q You can flip to the page 3 from the
12 back, I am sorry, these are not numbered. There is
13 a signature page.

14 I am referring to the page that
15 begins date of, New York, New York March 16, 2018.
16 It has your name here.

17 Is that your signature?

18 A Yes.

19 Q It says, "It's sworn to me before
20 this day 16 date of March 2018," then is there a
21 signature of a notary public. Is that your
22 understanding that this is a signature of a notary
23 public?

24 A Yes.

25 Q Do you recall signing this?

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A Yes.

Q Do you remember that there was a
notary public there at the time that you signed it?

A Yes.

Q Why were you signing this?

A I was signing this to have it sent to
Mr. Schiowitz' office.

Q Do you know why it needed to be sent
to Mr. Schiowitz' office?

A No.

Q Can we go to the paragraph beginning
paragraph 5, so it's on the second page. I would
like you to read all of paragraph 5 and the answer.

A Identify or --

Q I am sorry. You don't have to read
out loud. Take your time just review, not read it's
the wrong term, I am sorry.

Do you understand what this question
in question 5 is asking?

A Yes.

Q How would you describe it?

A To find all of the doctors that I was
ever seen and treated by.

Q Do you see what doctors are listed

B. Bogery

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here?

A Yes.

Q Does this list actually cover all of
the doctors that you have seen as a result of
injuries in this case?

A Yes.

Q Is Dr. Magyar on this list?

A No, he is not.

Oh, interventional Physical Medicine
is here.

Q I see. Dr. Magyar is associated with
Interventional Physical Medicine?

A Yes.

Q But Dr. Magyar himself is not on this
list, is he?

A No, his name is not.

Q Do you see in question 51 says
"Identify all therapist," the second line?

A Yes.

Q Do you see is Estrealla included in
the answer?

A No.

Q Did you see Estrealla for physical
therapy as a result of injuries in this case?

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A Yes.

Q Why don't you think Estrealla is listed here?

A Because I didn't provide that information.

Q Why didn't you provide that information?

A It just slipped my mind at the time.

Q Did you recognize at the time that you were signing this that you were providing a representation that the answers to this were accurate?

A Yes.

Q That included answer number 5 requesting that you identify the health care providers including therapist that you saw in this case?

A Well, it was presented to me this way.

Q What do you mean by that?

A I hadn't provided the information to Mr. Schiowitz and it had a time limit so...

Q What do you mean by a time limit?

A To get back to his office.

1 B. Bogery

2 Q I see. And that time limit effected
3 how you answered the questions?

4 A No, not how I answered just that I
5 didn't recall I went to physical therapy at
6 Estrealla at the time in order for him to list it.

7 Q When the time that you provided this
8 information you forget that you had gone to physical
9 therapy at Estrealla?

10 A Right.

11 Q Is there a specific reason why you
12 didn't list Dr. Magyar here?

13 A He is listed to me in my mind under
14 Interventional Physical Medicine and Rehab.

15 Q Okay. That's fine. Thanks.

16 Let's go to the third to last -- I am
17 sorry, the page with your employee pay statement.

18 What was your salary at the
19 Department of Homeless Services before your injury?

20 A Yearly it was \$46,659.

21 Q This paycheck can you tell from this
22 pay statement how long this pay period is for?

23 A It's for two weeks.

24 Q Is this how much you were paid over a
25 two week period, does this pay statement reflect how

B. Bogery

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2 much you were paid over a two week period?

3 A Yes.

4 Q Have you received any pay statements
5 from the City of New York since this one?

6 A No, have I have not.

7 Q This is the last one that you
8 received?

9 A Yes.

10 Q When you believe that the accident
11 had occurred on December 24th, is that accurate to
12 say that there was a time period where you thought
13 the accident had occurred Christmas Eve 2014, is
14 that right?

15 A Yes.

16 Q When did you start thinking that it
17 had happened on that date, do you recall, or had you
18 always thought that?

19 A I had always thought that.

20 Q Why would you be in a rush to get to
21 the post office on Christmas Eve?

22 MR. SCHIOWITZ: Objection.

23 Q I am sorry, I will rephrase.

24 Going back to this Defendant's

25 Exhibit F. Did you review this document at all, I

B. Bogery

am sorry, today was the first day that you saw it,
correct?

A Yes.

Q I will just leave it at that.

I have one final set questions.

What is the name of your cell phone
provider?

A Simple Mobile.

Q Was that the name of your cell phone
provider in December of 2014?

A Yes.

Q Have you had any other providers
besides Simple Mobile?

A Yes, I have had Boost Mobile.

Q When did you have Boost Mobile?

A That was prior to 2010.

Q Can you think of any reason why
Simple Mobile would say that you weren't a customer
in December of 2014?

A No.

Q And you were a customer of Simple
Mobile at that time?

A Yes.

Q You used their services?

1 B. Bogery

2 A Yes, up until now.

3 Q That's it for me.

4 I am going to continue to reserve
5 time especially considering that we haven't received
6 yet all of your medical records for during the
7 relevant time period.

8 MR. JACOB: I am going to reserve
9 time and the right to seek further
10 deposition testimony from the plaintiff, but
11 at this time I have no further questions.

12 MR. SCHIOWITZ: I just have a few
13 follow up.

14 EXAMINATION

15 BY MR. SCHIOWITZ:

16 Q When you entered the post office was
17 it sunny out?

18 A No.

19 Q Can you describe the weather at that
20 point?

21 A It was dark and cloudy.

22 Q Just standing there at that point
23 before you went in, did it appear like it rained
24 earlier that day?

25 A Yes.

B. Bogery

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Q Was the sidewalk wet?

A Yes, it was visibly wet.

Q Was the street wet?

A The streets were wet.

Q Were you able to see puddles
anywhere?

A Not outside from me stepping out of
the vehicle to the door, no.

Q Referring to Defendant's Exhibit D
you marked with an X.

Do you see where you marked with the
X?

A Yes.

Q Is that where you landed after you
fell?

A Yes.

Q That's all I have.

MR. JACOB: I have no further
questions.

(Continued on the next page.)

1 B. Bogery

2 COURT REPORTER: Is the witness
3 reading and signing this?

4 MR. JACOB: Yes, the witness is
5 reading and signing this.

6 (Whereupon at 2:00 p.m., the
7 deposition was concluded.)
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C A P T I O N

The Deposition of BUNNY BOGERY, taken in the matter,
on the date, and at the time and place set out on the
title page hereof.

It was requested that the deposition be taken by the
reporter and that same be reduced to typewritten form.

The Deponent will read and sign the transcript of said
deposition.

DEPOSITION ERRATA SHEET

CASE CAPTION: BUNNY BOGERY VS. UNITED STATES OF AMERICA

DEPONENT: BUNNY BOGERY

DEPOSITION DATE: May 9, 2018

To the reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request for the following changes be entered upon the record for the reasons indicated.

I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

SIGNATURE:

BUNNY BOGERY

DATE:

6/26/18

I N D E X

Witness: BUNNY BOGERY	Page
Examination by MR. JACOB	4
MR. SCHIOWITZ	116

E X H I B I T S

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.
COUNTY OF SUFFOLK)

I, MONIQUE CABRERA, a Shorthand (Stenotype)
Reporter and Notary Public for the State of New York,
do hereby certify that the foregoing Deposition, of the
witness, BUNNY BOGERY, taken at the time and place
aforesaid, is a true and correct transcription of said
Deposition.

I further certify that I am, neither counsel
for nor related to any party to said action, nor in any
way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my
hand this 30th day of May, 2018.

MONIQUE CABRERA

C E R T I F I C A T E

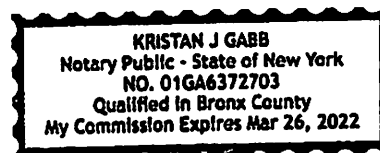
STATE OF NY :COUNTY/CITY OF NY :

Before me, this day, personally appeared
 Bunny Bogery who, being duly sworn, states that the
 foregoing transcript of his Deposition, taken in the
 matter, on this date, and at the time and place set
 out on the title page hereof, constitutes a true and
 accurate transcript of said deposition.

Bunny Bogery
 BUNNY BOGERY

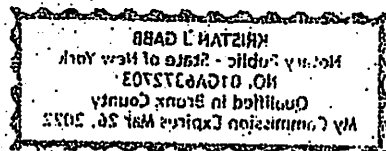
SUBSCRIBED and SWORN to before me this 26Day of June, 2018, in the

Jurisdiction aforesaid.



My Commission Expires

Notary Public



“B”

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----x
5 BUNNY BOGERY,

6 Plaintiff,

17-CV-6996 (VEC)

7
8 -against-

9 THE UNITED STATES OF AMERICA,

10 Defendants.
11 -----x

12 DEPOSITION OF ALY BASHERADAN, taken by
13 Defendants at the United States Attorney's Office, 86
14 Chambers Street, New York, New York, Wednesday, May 9,
15 2018, commencing at 10:17 a.m., before Monique
16 Cabrera, a Shorthand (Stenotype) Reporter and Notary
17 Public within and for the State of New York.
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A P P E A R A N C E S:

U.S. DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY'S OFFICE
Attorneys for Defendant
86 Chambers Street
New York, New York 10007

BY: CHARLES JACOB, AUSA

ISAACSON, SCHIOWITZ & KORSON, LLP
Attorneys for Plaintiff
371 Merrick Road - Suite 302
Rockville Centre, New York 11570

BY: JEREMY SCHIOWITZ, ESQ.

1
2 IT IS HEREBY STIPULATED AND
3 AGREED that the filing and sealing of the
4 within deposition be, and the same are
5 hereby waived;

6 IT IS FURTHER STIPULATED AND
7 AGREED that all objections, except
8 as to the form of the question, be
9 and the same are hereby reserved to
10 the time of the trial;

11 IT IS FURTHER STIPULATED AND
12 AGREED that the within deposition may be
13 sworn to before any Notary Public with the
14 same force and effect as if sworn to before
15 a Judge of this Court;

16 IT IS FURTHER STIPULATED that
17 the transcript is to be certified by
18 the reporter.
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1 A. Bashseradan

2 A L Y B A S H E R A D A N, called as a witness,
3 having been first duly sworn by Monique Cabrera, a
4 Notary Public within and for the State of New York,
5 was examined and testified as follows:

6 COURT REPORTER: Can you state your
7 name and address for the record.

8 THE WITNESS: First name is A L Y,
9 Aly. Basheradan is the last name, B A S H E
10 R A D A N.

11 COURT REPORTER: Your address?

12 THE WITNESS: 95 Jackson, Post
13 Office Box is 11211, 10472 Bronx.

14 EXAMINATION BY

15 MR. SCHIOWITZ:

16 Q Good morning, Mr. Basheradan. My
17 name is Jeremy Schiowitz. I represent the plaintiff
18 Bunny Bogery with regard to an accident that we
19 allege occurred on December 23, 2014.

20 I am going to be asking you some
21 questions surrounding that incident. If you don't
22 understand any of my questions, I am just going to
23 ask that you let me know, so that I can rephrase it
24 in a way that you can understand, otherwise, I will
25 assume that you understood the question.

1 A. Bashseradan

2 Is that okay?

3 A Okay.

4 Q The address that you just gave is
5 that your work address?

6 A My work address is Soundview Station.

7 Q What was the address that you just
8 gave?

9 A That was my post office box, the
10 mailing address that I gave her.

11 Q Who are you employed by?

12 A United States Government.

13 Q As what position?

14 A Custodian.

15 Q Where are you stationed?

16 A Soundview Station.

17 Q How long have you been stationed
18 there?

19 A About six years.

20 Q The whole time that you were
21 stationed at Soundview Station, were you employed as
22 a custodian?

23 A Yes.

24 Q How about before working there do you
25 have any other jobs?

1 A. Bashseradan

2 A Yes, I worked at 149th Street.

3 Q For what?

4 A For maybe five years. Prior to that
5 I worked at DMU, probably about eight years. And
6 prior to that I worked at the Hasp, H A S P.

7 Q The job right before work at
8 Soundview Station, what was your employer?

9 A United States Federal Government.

10 Q All of those jobs and that location
11 that you just listed they were all for the United
12 States Government?

13 A Yes.

14 Q What were your position at those
15 jobs?

16 A Custodian.

17 Q How long have you been working as a
18 custodian for the United States Government?

19 A Over 20 years.

20 Q Did you have any jobs before that?

21 A United States Government -- excuse
22 me, United States Army.

23 Q Did you go through any sort of
24 training to become a custodian?

25 A Yes.

1 A. Bashseradan

2 Q When was that?

3 A In the beginning when I started.

4 Q What year was that?

5 A I think, it was '78 -- no, '92.

6 Q And what did that training entail?

7 A Cleaning and maintaining a facility.

8 Q Was there a class?

9 A There was an instructor.

10 Q Do you remember who the instructor
11 was?

12 A No, that's over 20 something years.

13 Q How long was the training?

14 A Maybe 2 or 3 weeks. I am not exactly
15 sure.

16 Q When back in 2014, what was your
17 schedule at the post office?

18 A I think, at that time it was 8:30 to
19 5:30.

20 Q What time was the post office open to
21 the public back in December of 2014?

22 A It's open at 8:00 for Post Office
23 Box, but the window service is 9:00 9:00 to 5:00.
24 Monday through Friday.

25 Q What time did they close the doors?

1 A. Bashseradan

2 A 5:00.

3 Q Everyday?

4 A Everyday except for Saturday.

5 Q And Sunday also?

6 A We are not open on Sunday.

7 Q What is the schedule on Saturday?

8 A 9:00 to 2:00.

9 Q What were your duties back in
10 December of 2014?

11 A Cleaning and maintaining the
12 building.

13 Q Were there other custodians?

14 A There is another one earlier
15 custodian. Two shifts.

16 Q But your hours were 8:30 to 5:30?

17 A Yes, I had the late shift.

18 Q What time was the other shift?

19 A He usually got there, I think, it was
20 7:00 to 3:30 or 7:00 to 4:00. I am not sure.

21 Q What is his name?

22 A Randolph Gaddy.

23 Q How do you spell his last name?

24 A G A D D Y.

25 Q Is he still employed by the

1 A. Bashseradan

2 government?

3 A Yes.

4 Q Is he still an employee there?

5 A Yes.

6 Q At Soundview Station?

7 A Yes.

8 Q Do you both have the same -- well,
9 back then did you both have the same duties?

10 A Yes.

11 Q Are you aware that my client Bunny
12 Bogery alleges that she slipped and fell near the
13 entrance of this post office back on December 23,
14 2014?

15 A No.

16 Q When did you first hear about this
17 lawsuit?

18 MR. JACOBS: Objection to the
19 extent that it calls for privileged
20 conversations between us, obviously, don't
21 answer that question, but you are free to
22 say when you heard about the lawsuit from in
23 a general sense.

24 A When did I hear about it?

25 Q Yes.

1 A. Bashseradan

2 A When I was -- the lawyer spoke to me.

3 Q Was that due to this deposition
4 today?

5 A This is prior to the deposition.

6 Q Was that within the last year?

7 A Yes.

8 Q Do you have any memory of the day
9 December 23, 2014?

10 A No.

11 Q Do you remember what the weather was
12 for instance?

13 A No.

14 Q Do you have some sort of schedule
15 that you keep to?

16 A Yes.

17 Q Was it the same in 2014?

18 A Yes.

19 MR. JACOBS: Objection form. I
20 don't know what you mean by schedule.

21 Q Do you have a maintenance schedule?

22 A We have a schedule, yes, we follow.

23 Q That is you and Randolph?

24 A Yes.

25 Q And you are saying that back in

1 A. Bashseradan

2 December of 2014 it was the same schedule as you
3 have today?

4 A Yes.

5 Q Can you take me through that
6 schedule?

7 A Okay. The early person does
8 bathrooms, lobby, clerk area, building, and deck and
9 surrounding area around the building, swing room,
10 empty garbage, sweep the floor and open the
11 building.

12 Q Back in December of 2014 you think
13 that was Randolph's schedule?

14 A If he was there before me that would
15 be his schedule.

16 Q Does all of that that you just
17 mentioned take place before and up until they open?

18 A It takes place --

19 MR. JACOBS: Objection to form.

20 Q You can answer.

21 A It takes place before the building is
22 open. All this is done before -- 8:00 --

23 THE WITNESS: If I think explain to
24 him?

25 MR. JACOBS: Go ahead.

1 A. Bashseradan

2 A 8:00 is when we open for the post
3 office box from 8:00 to 9:00. Window service is at
4 9:00, so everything has to be taken care prior
5 especially concerning the lobby.

6 Q What are you referring when you say,
7 "the lobby?"

8 A It has to be cleaned, swept. Usually
9 nighttime we mop prior to and it's serviceable for
10 clients when they come in at 8:00 or at 9:00.

11 Q What I mean is when you referred to
12 the lobby area, is that right when a person would
13 enter the building?

14 A Yes, for retail.

15 Q Is there like a vestibule area?

16 A What do you mean by vestibule?

17 MR. JACOBS: Objection. Vague.

18 Q I want to go through the layout now
19 of the building?

20 A Okay.

21 Q So is there an entrance on Gleason?

22 A There is a, I think, there is a ramp
23 on Gleason, is that what you have there?

24 Q Let's ask it this way. Is the
25 entrance to the post office at Soundview Station on

1 A. Bashseradan

2 a corner?

3 A It's around the corner.

4 Q Do you know the two streets that
5 intersect there?

6 A I think one is -- I am not exactly
7 sure, I think, it's Gleason and there is another
8 street.

9 Q Is it Croes Avenue?

10 A It might be Croes.

11 Q Is there an entrance, one on Gleason
12 and one Croes?

13 A There is two entrances, yes.

14 Q They are right near each other?

15 A Yes.

16 Q Right by the corner, correct?

17 A Right on the corner.

18 Q Right on the corner.

19 MR. SCHIOWITZ: Let's mark this.

20 (Photograph was marked as Plaintiff's
21 Exhibit No. 1 as of this date, for
22 identification.)

23 Q I am just going to show you what has
24 been marked Plaintiff's Exhibit 1?

25 MR. JACOBS: Do you have a copy for

1 A. Bashseradan

2 me.

3 MR. SCHIOWITZ: No.

4 Q Can you take a look at it?

5 MR. JACOBS: Feel free to take as
6 much time.

7 A What do you want me to say?

8 Q I just want you to review it?

9 A Okay.

10 Q Are you familiar with what you are
11 seeing in this picture?

12 A Yes, that's the ramp and that's the
13 side entrance.

14 Q So you are pointing to the right side
15 of the building and on the --

16 A Left side.

17 Q And are you saying the main entrance
18 is in front of the white car?

19 A No, the main entrance is here, sir.

20 Q So the main entrance is the entrance
21 with the ramp?

22 A Yes.

23 Q Can you tell looking at this
24 photographs what street the main entrance is with
25 the ramp is?

1 A. Bashseradan

2 A I can't read the sign.

3 MR. SCHIOWITZ: Mark Plaintiff's
4 Exhibit Number 2.

5 (Photograph was marked as Plaintiff's
6 Exhibit No. 2 as of this date, for
7 identification.)

8 Q Just take a look at Plaintiff's
9 Exhibit 2. Take your time to review it?

10 A Okay.

11 Q I am just going to refer just to the
12 picture on the bottom left?

13 A This?

14 Q Yes.

15 A Okay.

16 Q Are you able to see the sign there
17 for the street sign?

18 A It says, "Croes."

19 Q So is Croes Avenue the street with
20 the main entrance?

21 A No, no.

22 Q Croes Avenue is the street with --

23 A The side entrance.

24 Q And is Gleason the entrance with the
25 handicapped ramp?

1 A. Bashseradan

2 A Yes, that's what's on the other sign,
3 yes.

4 Q Are both doors at each entrance
5 unlocked, so that the public can enter at either
6 one?

7 A At 8:00, yes.

8 Q When one would enter the side
9 entrance without the ramp, is there a room that they
10 enter into?

11 A It's like a doorway prior to the
12 doorway.

13 Q How big is that area?

14 A Small. It's just -- you enter and
15 then you go to the other door.

16 Q Can you estimate how many feet away
17 the next door is?

18 A I can't.

19 Q Is that door that you are referring
20 to that second door is that directly in front of
21 that side entrance?

22 A It's to the side. There is three
23 doors.

24 Q So if one was to enter the side
25 entrance the one without the handicapped ramp?

1 A. Bashseradan

2 A Yes.

3 Q If they went straight what would they
4 see?

5 A Two doors.

6 Q And where do those two doors lead to?

7 A They lead right into the lobby.

8 Q Do you have a name for that first
9 area?

10 A No.

11 MR. SCHIOWITZ: Mark Plaintiff's 3
12 and 4.

13 (Photograph was marked as Plaintiff's
14 Exhibit Nos. 3 and 4, as of this date, for
15 identification.)

16 Q I am going to show you what was just
17 marked as Plaintiff's 3 and Plaintiff's 4. I will
18 ask you to look at 4 first.

19 Are you familiar what is depicted in
20 Plaintiff's Exhibit 4?

21 A It looks like two stains on the
22 floor. Are you talking about the doorway?

23 Q Yes, the area what is depicted there.

24 A I see two doors, that's about it.

25 Q Can you tell which doors they are?

1 A. Bashseradan

2 A Those are the doors that is going out
3 towards the ramp.

4 Q I will show you what is marked as
5 Plaintiff's Exhibit 3?

6 A These are the doors that is leading
7 to the lobby from the side door.

8 Q So if one entered the side door and
9 they would -- and if they looked ahead would they
10 see what is in Plaintiff's Exhibit 3?

11 A Would they see this?

12 Q No.

13 A They will see this.

14 Q What would be to the left of this
15 photographs Plaintiff's Exhibit 3?

16 A If they walked through this door?

17 Q No, if they just walked right into
18 the side entrance, what would they see to the left?

19 A This door.

20 Q Meaning the open door on the left
21 side of the photograph?

22 A Yes.

23 Q Is there anything else to the left of
24 that door?

25 A No, that's it. It's a wall.

1 A. Bashseradan

2 Q And looking at this photograph
3 Plaintiff's Exhibit 3, what is to the right of this
4 photograph?

5 A What is to the right on this side?

6 Q Right.

7 A On this side there will be a door
8 that is facing against to the wall. And then there
9 will be a ramp door going outside to the main
10 entrance.

11 Q If someone was to enter the side
12 entrance from this sidewalk?

13 A Yes.

14 Q If they took one step in?

15 A Yes.

16 Q Would they see the doors to the
17 handicapped ramp on the right, correct?

18 A When they first come into the door
19 they will see a door straight ahead to the left, the
20 middle door, and the handicapped door on the right.

21 Q Immediately to their left would be a
22 wall?

23 A Yes.

24 Q Approximately how many feet separates
25 that side entrance door to the doors depicted in

1 A. Bashseradan

2 Plaintiff's Exhibit 3?

3 A I don't know.

4 Q How many steps would someone have to
5 take?

6 A I don't know.

7 Q Is it like three or four steps?

8 MR. JACOBS: Objection. Asked and
9 answered.

10 A I don't know.

11 MR. SCHIOWITZ: I can probe.

12 Q So we were talking about the earlier
13 person's schedule?

14 A Yes.

15 Q Did that person have to clean this
16 area that we are talking about right near the
17 entrance?

18 A Yes.

19 Q Is he supposed to mop it or sweep it
20 or something else?

21 A It has to be cleaned. It has to be
22 swept, mopped, and cleaned all the debris.

23 Q What is the floor made out of there?

24 A Tile.

25 Q Is that how this was back in 2014?

1 A. Bashseradan

2 A Apparently it was. It's been tile
3 since I have been there.

4 Q Are there ever any mats or rugs that
5 are placed there?

6 A No.

7 Q We discussed the schedule for the
8 early person who was at the time Randolph?

9 A Yes.

10 Q What about the your schedule back
11 then, can you tell me what it was?

12 A I do preventive maintenance.

13 Q What does that mean?

14 A Clean up behind the first custodian
15 when he leaves or when he is not available I go
16 behind to make sure everything else is taken care
17 of. We take turns. When he sets up early I go
18 behind him.

19 Q So you kind of follow him to make
20 sure that it's --

21 A No, he does his job. And then I go
22 behind him just to make -- it's a safeguard.

23 Q Do you supervise him?

24 A No, but I am the senior person.

25 Q So everything that you mentioned

1 A. Bashseradan

2 earlier about his duties you would have the same
3 duties, but only if needed is that correct?

4 A No, we both share the duties.

5 Q What about after the post office
6 opens, did you have a schedule a maintenance
7 schedule during those hours?

8 A Yes.

9 Q Can you tell me about that?

10 A We have to wait for the carriers to
11 finish processing the mail, and the clerks for
12 distribution and retail. And what happens is that
13 once they complete their tasks we go behind and we
14 clean up bring some order back to station as far as
15 cleanliness is concerned.

16 Also we go and we check the bathrooms
17 and the swing room, the lunch room.

18 Q Other than the lobby area that you
19 discussed, you just mentioned there is a lunch room?

20 A Yes.

21 Q Is that only for employees?

22 A Only for employees.

23 Q What other rooms are there in the
24 building?

25 A There are locker rooms. There is a

1 A. Bashseradan
2 storage room. There is a safe, a clerk's area where
3 they have count money. There is a register mail
4 section. And, basically, that's it, supervisor's
5 desk.

6 Q And the two custodians are
7 responsible for cleaning all of those areas?

8 A Yes, the whole building.

9 Q You mentioned that you wait for the
10 carriers?

11 A Yes.

12 Q And all of those other people that
13 you mentioned and then you would clean up again?

14 A Yes.

15 Q Would you also sweep and mop the
16 lobby and this entrance area?

17 A Not during the time that the
18 customers are there.

19 Q Was there ever a time that you or
20 Randolph or anyone working in your positions would
21 mop during the day when customers was there?

22 A If a customer spills something we put
23 down a wet floor sign. And we mop it up, so they
24 are aware that the area is yet. If a customer
25 drops, bleeds and we put wet floor sign down and

1 A. Bashseradan

2 bleach and circle off the area.

3 If you drop oil the same scenario.

4 Any hazardous situation must be addressed
5 immediately.

6 Q How are you typically made aware of
7 these spills?

8 A Okay. The first line of defense on
9 the spill is the customer and then the clerk. The
10 customer will let the clerk know if I am not out
11 exactly in the lobby. The customer will let the
12 clerk know there is a spill. The clerk will get on
13 the intercom and tell me that there is a spill in
14 the lobby and I will go address it.

15 Q When you would address it you
16 mentioned that you have these wet floor signs?

17 A Yes.

18 Q How many wet floor signs do you have?

19 A Three.

20 Q Did you have three back in 2014 also?

21 A Yes.

22 Q Can you describe what they looked
23 like?

24 A They are yellow cones with a wet
25 floor. Black that indicates there is a wet floor.

1 A. Bashseradan

2 Q How high are they on your body if you
3 want?

4 A About up to my knee.

5 Q So you said that there are yellow
6 cones and they have black writing on them?

7 A Yes.

8 Q What did they say?

9 A Wet floor.

10 Q So if there was a spill would you
11 first put that wet floor sign down or a cone?

12 A I will put the wet floor sign to let
13 people be aware of the area. Then I would proceed
14 to go ahead and get it up.

15 Q You would proceed to go clean it up?

16 A Yes.

17 Q Is that done at the same time or?

18 A The wet floor signs goes up there
19 first because it's already in the lobby.

20 Q Then what would you do?

21 A Then I would go get the mop or
22 whatever to clean up the spill.

23 Q Is that done right away?

24 A Yes.

25 Q Do you have any breaks during the

1 A. Bashseradan

2 day?

3 A Yes.

4 Q When are they?

5 A I usually take a 10 minute break in
6 the morning and one in the afternoon.

7 Q Do you have lunch break?

8 A Yes.

9 Q How long is that?

10 A Half an hour.

11 Q Do you and Randolph take a break
12 together?

13 A No.

14 Q Is one of the custodians always
15 present in the lobby area?

16 A In the building.

17 Q In the building in general?

18 A Yes.

19 Q But there is no place that they are
20 supposed to be?

21 A Not in the lobby. We are not
22 stationed in the lobby. That's what he asked me.

23 Q Did you have any procedures on days
24 that it rained?

25 A We have a standard operating

1 A. Bashseradan

2 procedure.

3 Q For rain days?

4 A Yes.

5 Q Can you tell me about that procedure?

6 A Very simply. It's wet floor sign
7 located here.

8 Q Just pointing at Plaintiff's Exhibit
9 3 in front of the blue door?

10 A Metal door and two other wet floor
11 signs on either side of the dividing line to the
12 clerks. I don't have a picture here to describe it.

13 Q So looking at Plaintiff's Exhibit 3
14 you said that there is one cone or sign that you
15 would put on the floor right in front of this blue
16 door in the middle of the picture?

17 A Right in front of the door.

18 Q As an aside to the right of this blue
19 door that is another door, but it's open, correct?

20 A Yes.

21 Q What about to the left area here?

22 A That's the only door.

23 Q This is not a door also?

24 A Yes, it is, that's the only door.

25 Q Are there three doors?

1 A. Bashseradan

2 A Yes, this is open door to the left.
3 This is open door to the right. This is the middle
4 door.

5 Q Is the middle door always closed?

6 A Yes.

7 Q Are there two doors besides it always
8 open?

9 A Yes.

10 Q Where are those two other cones that
11 you mentioned?

12 A On either side of the dividing lines
13 for the customers to go to the clerks.

14 Q I see.

15 A That's inside this door inside the
16 building.

17 Q Can you see that area in this
18 photograph?

19 A You can't see anything. The door
20 blocks it.

21 Q So are you saying it's somewhere
22 behind this metal door?

23 A It's right directly behind it. There
24 is two black lines here. And it's directly behind
25 it.

1 A. Bashseradan

2 Q So on the days that it rains?

3 A Yes.

4 Q One of you, you or Randolph would
5 anatomically put one of these cones in front of this
6 door, correct?

7 A Yes, in front of this door and on the
8 two sides?

9 Q Besides the way mentioned behind this
10 door?

11 A Yes.

12 Q My questions right now are just going
13 to pertain to this area before the door by the
14 entrance?

15 A Okay.

16 Q So we are not confused.

17 What other procedures are taken?

18 A For rain inside this door?

19 Q Within this entrance area.

20 A You go outside with a dry mop, and a
21 bucket. And you proceed to mop the floor.

22 Depending on the severity of the rain it's how
23 frequent you are out there.

24 Q When you say, "out there" what do you
25 mean?

1 A. Bashseradan

2 A If it's raining profusely and you
3 maybe 5 for 10 minutes at the most and then you are
4 back out again.

5 Q My question is: When you say, "out
6 there" are you talking about this indoor entrance
7 area or?

8 A You are actually physically there.

9 Q So meaning the area depicted in
10 Plaintiff's Exhibit 3 and 4?

11 A Yes, this is the outside.

12 Q When it's raining profusely?

13 A Yes.

14 Q You're there cleaning it every ten
15 minutes you said?

16 A Yes, every five to ten minutes.

17 Q What if it's not raining profusely?

18 A Then there is no reason for you to be
19 there.

20 MR. JACOBS: I am going to object to
21 that question ambiguous. I don't know what
22 you mean by profusely.

23 Q What did you mean by "raining
24 profusely?"

25 A If it's not raining at all.

1 A. Bashseradan

2 Q Then what?

3 A If it's not raining at all there is
4 no reason to be out there if it's not raining at
5 all.

6 Q When it's raining and you said that
7 you would -- you said when it's raining profusely?

8 A Yes.

9 Q First of all, do you mean now when
10 it's raining at all?

11 A No, I am talking when it's raining
12 real heavy.

13 Q So let's say it's just drizzling?

14 A You still go out there every ten
15 minutes.

16 Q When you say you go out there every
17 ten minutes, how long does it take to then, you
18 know, clean up that area?

19 A Maybe ten minutes, fifteen minutes
20 depending on how wet the floor is.

21 Q You would use the dry mop and then
22 would you squeeze it into the bucket?

23 A Yes, I have a bucket with me and I
24 ring the mop out and go over the floor.

25 Q And then would you do anything else

1 A. Bashseradan

2 with respect to the floor?

3 A No, that's it.

4 Q Then what would you do at that point
5 once you cleaned it?

6 A Once the floor is dry then people
7 could come back and forth. If it's raining really
8 heavy we have to stay there to make sure that it
9 doesn't build up again, so that's why our time will
10 be divided right there when it's raining really
11 heavy.

12 Q When it's raining heavy is someone
13 actually standing there the whole time?

14 A Yes.

15 Q While it's raining profusely or
16 heavily are customers allowed to walk in?

17 A Customers do walk in and out. They
18 have no regards for wet floor signs or anything
19 else. They want to get in and take care of their
20 mail issues, but there are two entrances, so if I am
21 mopping here they see that they have the option to
22 go to the other, but sometimes they be impatient
23 they just walk right across the floor.

24 Q Are the outside doors always closed?

25 A Always.

1 A. Bashseradan

2 Q Are there any caution signs ever put
3 by the door itself either outside the door or
4 blocking the door?

5 A No.

6 Q Do you or Randolph warn -- have you
7 ever warned customers to be careful that it's wet?

8 MR. JACOBS: Objection. Ambiguous.
9 You can answer.

10 A No, the wet floor sign is right in
11 front of them. If I am mopping I say, "Excuse me."
12 And then they will say, "Okay." They
13 will either go around or they wait until I finish
14 mopping, but most of the time they just walk right
15 through.

16 Q If it's raining all day and it stops
17 once it stops raining would you or Randolph clean
18 that area?

19 A Once it stops raining we make sure
20 that the floor is dry.

21 Q For how long would you make sure that
22 it was dry?

23 A Once it's dry it stays dry if there
24 is no rain.

25 Q So how would you know if it's going

1 A. Bashseradan

2 to stay dry?

3 A Because it's not raining.

4 Q So if it stops raining how much time
5 passes from when it stops raining until you stop
6 checking that area?

7 A Once we mop the floor, dry and it
8 stops raining, there is no reason to check it again.

9 Q Okay. Are there any mats anywhere
10 in the post office?

11 A I don't know about then, but they put
12 mats in now.

13 Q No, I am talking back then.

14 A I don't know.

15 Q Why did they put mats in now?

16 A Promotional.

17 Q Is that by the entrance?

18 A There is two rubber mats -- I am
19 speaking about my station. There is two rubber mats
20 by the entrance and there is cloth mats inside,
21 cloth rubber mats inside.

22 Q When you say, "by the entrance," do
23 you mean on the inside or the outside?

24 A On the inside of these doors.

25 Q On the inside of the doors in

1 A. Bashseradan

2 Plaintiff's 3?

3 A Right. The ramp. And then -- not in
4 here. The ramp and the entrance doors.

5 Q So looking at Plaintiff's Exhibit 1?

6 A Yes.

7 Q Are they right inside these doors?

8 A Right inside each of these doors.

9 Q Right passed the main entrance and
10 the side entrance doors.

11 What is the purpose of those mats?

12 A Promotional.

13 Q What do you mean by that?

14 A They say, "Welcome."

15 Q What are they made out of?

16 A Those two that is in front of the
17 door rubber mats and those inside are cloth or
18 rubber underneath.

19 Q The second one that you just
20 mentioned the cloth ones, where are they?

21 A They are inside the post office in
22 the lobby.

23 Q And the other ones that you are
24 talking about right by the entrance they are rubber
25 both on the bottom and on top?

1 A. Bashseradan

2 A Yes.

3 Q When did you get those?

4 A Maybe three weeks ago.

5 Q Did you ever have those before three
6 weeks ago?

7 A No.

8 Q What is the purpose of mopping this
9 area when it gets wet?

10 A To prevent accidents.

11 Q Is it slippery when it's wet?

12 A All floors are slippery when it's
13 wet.

14 Q These floors are slippery when it's
15 wet?

16 A Yes.

17 Q Are there lights fixtures in this
18 entrance area?

19 A Yes.

20 Q What are they, are they florescent?

21 A Yes.

22 Q How would you describe the lighting
23 in that area, is it bright or is it?

24 A Just like this.

25 Q It's sufficient for the area?

1 A. Bashseradan

2 A Yes, well lit.

3 Q Back in 2014 was there an area where
4 people were able to store their umbrellas?

5 A They usually put them in the garbage
6 can.

7 Q Where was the garbage can?

8 A Either side of the tables.

9 Q That's once you got passed these
10 opening doors in Plaintiff's Exhibit 3?

11 A Yes.

12 Q Was there back in 2014 a rug for the
13 people standing on line for the counter?

14 A No.

15 Q Was there ever?

16 A No.

17 Q Are you aware of anyone slipping and
18 falling on the wet floor prior to December 23, 2014?

19 MR. JACOBS: Objection. Ambiguous.
20 You can answer.

21 A No.

22 Q Are there cameras within the post
23 office for security?

24 A You would have to ask management.

25 Q Have you noticed any cameras?

1 A. Bashseradan

2 A No.

3 Q To be clear in this area that we are
4 talking about you have not noticed any cameras?

5 A No.

6 Q Are there any tenants in this
7 building other than --

8 A People that live there?

9 Q No, meaning, does anyone else work
10 there other than the U.S. Government?

11 A No.

12 Q It's just the post office?

13 A Yes.

14 Q Do you know if they own it the
15 property?

16 A Management. I have no knowledge of
17 that.

18 Q That's fine.

19 Were there any other employees back
20 in December of 2014 who had any responsibility for
21 cleaning or mopping this entrance area other than
22 you and Randolph?

23 A No.

24 Q When did Randolph become employed by
25 the U.S. Government?

1 A. Bashseradan

2 A I don't know.

3 Q Was it before you?

4 A I don't know.

5 Q When you started working at this post
6 office, was he already there?

7 A Yes.

8 Q Have you spoken to him about this
9 incident?

10 A No.

11 Q Does he know you are here today?

12 A Yes.

13 Q Did he say anything about it to you?

14 A No.

15 Q Are you aware of any other claims or
16 lawsuits filed against the U.S. Government or the
17 post office for any slip and falls in this location?

18 A No.

19 Q Back then did you have a supervisor?

20 A Yes.

21 Q Who was that?

22 A The supervisor of the building.

23 Q What was that person's name?

24 A Let's see? Who was the supervisor
25 name back then. Singh.

1 A. Bashseradan

2 Q That was the last name?

3 A Yes.

4 Q Do you know the first name?

5 A I can't pronounce it. Ying or
6 something.

7 Q Was that a male or female?

8 A He is a male.

9 Q What was the last name?

10 A S I N G H.

11 Q Was he stationed there every day?

12 A Yes.

13 Q Did anyone back around that time
14 2014, did Mr. Singh or anyone else used to actually
15 supervise you and tell you what to do at certain
16 points of the day?

17 A Yes.

18 Q Did he tell you what -- would he be
19 the one or tell you that maybe it was raining?

20 A It's possible.

21 Q You mentioned your procedures of what
22 you do when it rains?

23 A Right.

24 Q Did someone tell you that it's
25 raining? How do you know that it's raining?

1 A. Bashseradan

2 A I can look at the weather to see that
3 it's raining, so I go out there on my own and check.
4 There is windows in the lobby. There is windows in
5 the building. And there is windows -- there is rain
6 on the deck. You know when it's raining.

7 Q You mentioned the procedures of when
8 it's raining, heavily raining, what about when it
9 was just drizzling?

10 A It still has to be mopped.

11 Q Would someone be there the whole time
12 also?

13 A Yes.

14 Q Was there a preference of who that
15 was?

16 A It doesn't make a difference as long
17 as it's done.

18 Q But you or Randolph?

19 A Yes.

20 Q The mop that you said you used, it
21 would be dried initially and then you would ring it
22 out with one of those ringers in the buckets?

23 A Yes.

24 Q Would you use that same mop again?

25 A Yes, the mop would stay in the lobby.

1 A. Bashseradan

2 Q On rain days?

3 A Because on the -- between the ramp
4 and the door, the side door, there is a corner right
5 there, so once you mop the water up, you need to
6 leave the mop there because you are going to be
7 going back and forth, so to keep running all across
8 the floor.

9 Q So looking at Plaintiff's Exhibit 1.
10 I am pointing to the corner of the building?

11 A The corner of the building.

12 Q So it would be on the inside of that
13 corner?

14 A Yes, it would right there in that
15 corner.

16 Q On rain days it would just be
17 stationed there?

18 A Only if it's raining heavily.

19 Q So what I wanted to ask you about
20 when it was drizzling?

21 A If it's drizzling you may not need to
22 take the whole bucket with you. In other words, you
23 can ring the mop inside the clerk's area where the
24 mailbox is at and then take that mop and go out and
25 mop the floor.

1 A. Bashseradan

2 Q Okay. Could you tell me why was
3 there a need to mop it every ten minutes like you
4 said when it was raining heavily?

5 A Because it's a hazard to the
6 customer.

7 Q Why would it get wet on the inside?

8 A Because when they open the door they
9 bring in the water off their clothes, off their
10 boots. They get inside with their umbrellas and
11 they shake their umbrellas and or they shake their
12 rain coat.

13 Q Was there a leak in the ceiling ever?

14 A No.

15 Q So any water that was in that area on
16 days that it rained you think it would have come
17 from the outside the way you just described?

18 A Definitely. Or from it raining so
19 hard when you open the door the rain runs into the
20 building.

21 MR. JACOBS: Just for the Court
22 Reporter's purpose let him finish his question.

23 THE WITNESS: I am sorry. I am moving
24 too fast.

25 Q After you would ring out the mop, was

1 A. Bashseradan

2 the mop completely dry or was it still a little wet,
3 how would you describe it?

4 A Let's see. What type of condition
5 are you talking about?

6 Q If it rained hard that day?

7 A Okay. You rinse it as best you can
8 to get the water up. And you keep rinsing it to get
9 the water up, so if the rain is saturated on the
10 ground, of course, it's going to be a little damp.
11 It's not going to be dry.

12 Q Meaning when you would re-mop that
13 area, the floor wouldn't be totally dry at that
14 point?

15 A It would be safe.

16 Q Safe enough you are saying?

17 A Yes, to walk on.

18 Q There would be no puddles, but it
19 would still be wet?

20 A It would be as dry as humanly
21 possible.

22 Q Well, that's something else, so you
23 mean under the circumstances.

24 A Under the circumstances it would be
25 dry as humanly possible.

1 A. Bashseradan

2 Q Meaning it wouldn't be dry like this
3 table is dry?

4 A No.

5 Q Correct?

6 A Yes.

7 Q Other than the mop I just want to
8 make sure we are clear. You didn't use anything
9 else to dry the floor?

10 A No.

11 Q No towels or anything like that?

12 A No.

13 Q Was there ever a suggestion made to
14 place mats there?

15 A Not to my knowledge.

16 Q Who would be in charge of that?

17 A Management.

18 Q Would Mr. Singh be in charge of that?

19 A He is management.

20 Q Have you ever made any suggestions to
21 him about anything we discussed here?

22 A No.

23 Q You have never seen the lease for the
24 building, correct?

25 A The lease?

1 A. Bashseradan

2 Q Yes.

3 A No.

4 Q If someone was to pick up -- back in
5 2014, if one was to pick up a package, are you aware
6 of whether there would be a record of that
7 somewhere?

8 A I am a custodian. I am not a clerk.

9 Q I think, I know the answer. I just
10 want to make sure.

11 A No.

12 Q Just to be thoroughly clear. I am
13 just looking at Plaintiff's Exhibit 2. There are
14 two photographs of a package.

15 Do you see that?

16 A Yes.

17 Q So if someone was to pick up the
18 package like this you don't know if there would be a
19 record of that, correct?

20 A I don't know anything about that.

21 Q Also looking at Plaintiff's Exhibit 2
22 at the bottom left photograph where you see the side
23 entrance doors?

24 A Yes.

25 Q It appears on the picture that the

1 A. Bashseradan

2 door would be pulled open, is that correct, as
3 opposed to pushed open?

4 A In other words if he --

5 MR. JACOBS: Objection. Vague.

6 Q You tell me. When someone would
7 approach the entrance, the side entrance, would they
8 have to pull the door open or would they push the
9 door open?

10 A Pull the door open.

11 Q Is that the same by the handicapped
12 entrance?

13 A Pull the door open.

14 Q You cannot push it in?

15 A You can't push it in.

16 Q Other than that cone that was placed
17 out there on rain days?

18 A Yes.

19 Q Would any other warnings or signs of
20 anything regarding any slippery condition?

21 A No.

22 Q Did that area look the same as it
23 does today?

24 A Yes.

25 Q Meaning back on in 2014?

1 A. Bashseradan

2 A Yes.

3 Q I think, I am done.

4 MR. JACOBS: I may have a few.

5 MR. SCHIOWITZ: So then go ahead.

6 EXAMINATION BY

7 MR JACOBS:

8 Q I am Charles Jacobs. I am an
9 Assistant United States Attorney, United States
10 Attorney's Office.

11 I represent United States in this
12 lawsuit.

13 Do you observe the weather each day
14 you work at the post office?

15 A Yes.

16 Q Are you aware of any instance where
17 you did not implement your rain related procedures
18 on days it was raining?

19 A No.

20 Q Has anyone ever told you that the
21 floor in the areas of the post office accessible to
22 customers was wet because of the rain outside?

23 A No.

24 Q Has anyone ever told you that that
25 floor was wet while it was raining out?

1 A. Bashseradan

2 A No.

3 Q There are no differences between your
4 rain related procedures for when it's heavy rain or
5 when it's light rain; is that right?

6 A More attentive heavy rain.

7 Q What do you mean by "more attentive?"

8 A Stationary in lobby as opposed to
9 mopping and taking care of the other chores and
10 coming back and doing it again.

11 Q That's all I have.

12 MR. SCHIOWITZ: A couple of follow
13 up.

14 EXAMINATION

15 BY MR. SCHIOWITZ:

16 Q You just mentioned no one ever told
17 you the floor was wet; is that correct?

18 A Yes, I am sorry.

19 Q I just want to make sure I understand
20 that, so you mean back in 2014 the only time that
21 you would clean that area is if you, yourself, knew
22 it was raining and it was wet?

23 A I would know that it's raining and it
24 would need to be cleaned.

25 Q So no one ever had to tell you to

1 A. Bashseradan

2 clean up that area?

3 A No, not when it's raining.

4 Q Just one thing I forget to ask you.

5 You mentioned that on days that it was raining

6 heavily you would mop every ten minutes or so?

7 A Yes.

8 Q I think you said that you would mop

9 which could take a certain amount of time, what did

10 you say 15 minutes; is that correct?

11 A Yes, 10 to 15.

12 Q So the mopping itself took 10 to 15

13 minutes?

14 A Yes.

15 Q Then you would wait 10 minutes?

16 A I would monitor the floor.

17 Q You would stay there the whole time?

18 A You would have to monitor the floor.

19 Q Is there some sort of awning right by

20 the entrance on the outside of the building?

21 A No.

22 Q So meaning if you are right outside

23 the door you are going to get wet?

24 A You are going to get hit with rain.

25 Q Was there ever an awning there?

1 A. Bashseradan

2 A Never.

3 Q I have nothing further.

4 Thank you so much. I appreciate it.

5 (Whereupon at 11:19 a.m., the
6 deposition was concluded.)
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1 A. Bashseradan

2 C A P T I O N

3
4
5 The Deposition of ALY BASHERADAN, taken in the matter,
6 on the date, and at the time and place set out on the
7 title page hereof.

8
9 It was requested that the deposition be taken by the
10 reporter and that same be reduced to typewritten form.

11
12 The Deponent will read and sign the transcript of said
13 deposition.

A. Bashseradan

C E R T I F I C A T E

STATE OF _____:

COUNTY/CITY OF _____:

Before me, this day, personally appeared
Aly Basheradan who, being duly sworn, states that the
foregoing transcript of his Deposition, taken in the
matter, on this date, and at the time and place set
out on the title page hereof, constitutes a true and
accurate transcript of said deposition.

ALY BASHERADAN

SUBSCRIBED and SWORN to before me this _____
Day of _____, 2018, in the
Jurisdiction aforesaid.

My Commission Expires

Notary Public

DEPOSITION ERRATA SHEET

CASE CAPTION: BUNNY BOGERY VS. UNITED STATES OF AMERICA

DEPONENT: ALY BASHERADAN

DEPOSITION DATE: May 9, 2018

To the reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request for the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

SIGNATURE: _____ DATE: _____

ALY BASHERADAN

I N D E X

Witness: ALY BASHERADAN	Page
Examination by MR. SCHIOWITZ	4

E X H I B I T S

	Description	Page
For Ident.		
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3	Photograph	16
4	Photograph	16

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.
COUNTY OF SUFFOLK)

I, MONIQUE CABRERA, a Shorthand (Stenotype)
Reporter and Notary Public for the State of New York,
do hereby certify that the foregoing Deposition, of the
witness, ALY BASHERADAN, taken at the time and place
aforesaid, is a true and correct transcription of said
Deposition.

I further certify that I am neither counsel
for nor related to any party to said action, nor in any
way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my
hand this 25th day of May, 2018.

MONIQUE CABRERA